



May 793.

Thomas Muir Esq. Younger.
of Huntershill.



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Thomas Muir Esq. Younger.
of Huntershill.

THE
TRIAL
OF
THOMAS MUIR, Esq.
YOUNGER OF HUNTERSHILL;

BEFORE THE HIGH COURT OF JUSTICIARY,

Upon Friday and Saturday the 30th and 31st days of
August, 1793.

ON A CHARGE OF SEDITION.

THE WHOLE ACCURATELY TAKEN DOWN IN SHORT-HAND,

[THE SECOND EDITION ENLARGED & CORRECTED.]

WITH AN ELEGANT PORTRAIT OF MR MUIR.

TO WHICH IS ANNEXED,

AN APPENDIX;

Containing all the PAPERS referred to in the course of the TRIAL.

Brutus, thou sleep'st——

SHAKESPEARE.

'Tis Liberty alone that gives the flow'r
Of fleeting life, its lustre and perfume;
And we are weeds without it.——

COWPER.

—EDINBURGH—

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ALEXANDER SCOTT—GAZETTEER OFFICE.



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P R E F A C E.

IN the following Sheets we have particularly attended to fidelity in compilation and detail—We aim not to injure our cotemporaries, by arrogating superior merit: All will, we trust, contribute to the general object, which ought to be the exhibiting to the Public a candid statement of this very momentous and interesting Trial. We have taken the liberty of prefixing a few general observations, not from a wish to prejudice the mind, or warp the understanding of the Reader—not with a design to arraign the justice of the sentence of the Criminal Court, or to excite hatred or opposition to the orders of judicial authority; but as a debt which we owe to the cause of Liberty and Reform.

FROM the period immediately succeeding the Revolution, until the present moment, the theme of every lover of his Country has been a Parliamentary Reform in the Commons House. The Patriot esteemed it as the only bulwark against the encroachments of despotic power—the Statesman calculated its beneficial consequences to Society; and, in the energetic language of the illustrious Chatham, stiled it, “The infusing a new portion of health into the vitals of the Constitution;”—while the Philosopher beheld in it the reign of Reason, and the triumph of Truth.

THE contest with America involved in it, not barely the authority of the mother country over her Colonies, but also the natural and imprescriptible Rights of Man. The duties and the prerogatives of a member of the body social, and the abstract principles of political philosophy became the topics of universal discussion. Thinking men saw no evil in the downfall of ignorance and superstition; they viewed, with pleasure, the general dissemination of knowledge, and hailed the sun of reason as it daily burst through the clouds of prejudice.

IN 1782, while this country was immersing with rapidity into the abyss of destruction, a meeting of Gentlemen pledged themselves as the advocates of Reform. Amongst these were men, whom the nation fondly numbered as its friends, and honoured as the props of the Liberties of Britain. But mark the issue! These deceptive seducers having, under the mask of public virtue, and the semblance of patriotism, obtruded themselves into the higher offices of state, basely abandoned the cause of reason and the people. Hence, let Scotsmen learn to appreciate that invaluable precept, so often inculcated—"TRUST TO PRINCIPLES AND NOT TO MEN."

AGAIN, in 1792, a number of Patriotic Gentlemen having convened, for the purpose of interchanging their sentiments on the subject of a Parliamentary Reform, published a Declaration, which was announced in the newspapers of the day*.

* DECLARATION

Agreed to on the 11th of April 1792, by that Society.

"A NUMBER of Persons having seriously reviewed and considered the actual situation of public affairs, and state of the kingdom, and having communicated to each other their opinions on those subjects, have agreed and determined to institute a Society for the purpose of proposing to Parliament and to the Country, and of promoting, to the utmost of their power, the following Constitutional Objects, making the preservation of the Constitution, on its true principles, the foundation of all their proceedings:—

FIRST—"To restore the Freedom of Election, and a more Equal Representation of the People in Parliament.

SECOND—"To secure to the People a more frequent Exercise of their Right of Electing their Representatives.

"The persons who have signed their names to this agreement, think that these two fundamental measures will furnish the power and the means of correcting the abuses, which appear to them to have arisen from a neglect of the acknowledged principles of the Constitution, and of accomplishing those sub-

SUCH are the generous purposes of this Association : And on similar principles, and with the same objects in view, have the numerous So-

“ ordinate objects of Reform,” which they deem to be essential to the Liberties of the People, and to the good Government of the Kingdom.”

—SIGNED BY—

Charles Grey, Esq; M. P.
Hon. T. Aitland, M. P.
George Rous, Esq;
William Cuninghame, Esq.
John Tweddell, Esq;
Earl of Lauderdale,
Nicolls Raynsford, Esq;
James Mackintosh, Esq;
Thomas Christie, Esq;
Malcolm Laing, Esq;
Right Hon. Lord Kinnaird,
James Archdekin, Esq;
William Harwood, Esq;
David Godfrey, Esq;
Higgins Eden, Esq;
Philip Francis, Esq; M. P.
Charles Goring, Esq;
Mr Serjent Bond,
William Lushington, Esq;
Samuel Rogers, Esq;
Peregrine Deastry, Esq;
R. B. Sheridan, Esq; M. P.
William Fullarton, Esq;
Norman Macleod, Esq; M. P.
James Losh, Esq;
Mr Alderman Sawbridge, M. P.
Richard Weld, Esq;
John Claridge, Esq;
John Wharton, Esq; M. P.
James Martin, Esq; M. P.
William Smith, Esq; M. P.
John Scott, Esq; M. P.
John Hurford Stone, Esq;
W. H. Lambton, Esq; M. P.
John Godfrey, Esq;
George Tierney, Esq;
Arthur Piggott, Esq;
J. B. Church, Esq; M. P.
Gilbert Ironside, Esq;
T. B. Hollis, Esq;
S. Whitbread, jun. Esq; M. P.
Sir J. Throckmorton, Bart.
M. A. Taylor, Esq; M. P.
William Breton, Esq;
Thomas Rogers, Esq;

Ralph Milbanke, Esq; M. P.
Henry Howard, Esq;
B. E. Howard, Esq;
E. B. Clive, Esq;
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John Nicholls, Esq;
Joseph Richardson, Esq;
John Towgood, Esq;
William Chisholm, Esq;
John Fazakerley, Esq;
Richard S. Milnes, Esq; M. P.
Samuel Shore, Esq;
Samuel Shore, jun. Esq;
Charles Warren, Esq;
Long Kingsman, Esq;
Edward J. Curtis, Esq;
Samuel Long, Esq; M. P.
John Bourdeau, Esq;
T. B. Rous, Esq;
D. O'Bryen, Esq;
J. Lodge Batley, Esq;
Robert Slade, Esq;
Francis Kemble, Esq;
William Sharp, Esq;
John Barnes, Esq;
Joseph Ruse, Esq;
T. Gordon, Esq;
Mr J. Griffin,
John Wilson, Esq;
Andrew Stirling, Esq;
Richard Heavyside, Esq;
Mr Alderman Combe.
Robert Merry, Esq;
George Shum, Esq;
J. G. Lemaistre, Esq;
James Perry, Esq;
Henry Clifford, Esq;
John Crookshanks, Esq;
John Pratt, Esq;
W. Maxwell, Esq;
T. Hill, Esq;
J. C. Fentley, Esq;
Thomas Bell, jun. Esq.
Richard Wilson, Esq;

societies of the Friends of the People been instituted. Calumny has, however, exerted her baneful influence: The public peculator beheld, with dismay, the general spread of political knowledge, and availing himself of the troubles of France, began the cry of danger in Church and State. The misrepresentations of detraction misled many sensible men, and induced them to oppose Reform. Time has demonstrated the fallacy of these accusations; and the rejection of their petitions was universally received with respectful tranquility. To traduce virtuous intention, is in private life the resource of the lurking assassin; and in public, the expedient of malignant craft. But the artifices of venality are exerted in vain; and the Friends of the People regard with scorn the illiberal attacks of their enemies.

Hon. Thomas Erskine, M. P.
R. Knight, Esq;
Thomas Thomson, Esq; M. P.
Colonel Tarleton, M. P.
James West, Esq;
R. Carpenter Smith, Esq;
W. Powlett, Esq; M. P.
George Livius, Esq;
Right Hon. Lord Daer,
Hon John Douglas,
Rev. Dr Kippis,
James Jacque, Esq;
Francis Love Beckford, Esq;
Adam Walker, Esq;
Richard Sharp, Esq;
Rev. Dr Joseph Towers,
John Furnell Tuffen, Esq;
John Clerk, Esq;
Thomas Bell, Esq;
Sir Bellingham Graham, Bart.
George Byng, Esq; M. P.
John Cartwright, Esq;
Jer. Batley, Esq;
Ralph Carr, jun. Esq;

Mr J. Jarvis,
C. F. Ward, Esq;
Rev. C. Powlett,
William White, Esq;
T. Holt White, Esq;
W. Stone, Esq;
Joshua Grigby, Esq;
Robert Aitken, Esq;
Joseph Spurrell, Esq;
Thomas Nevill, Esq;
T. Rutt, Esq;
J. Phillips, Esq;
J. Porter, Esq;
J. B. Gawler, Esq;
Rev. J. C. Banks,
Bertie Greathead, Esq;
Thomas Crookenden, Esq;
Ben. Bakewell, Esq;
Mr Edward Hall,
William Bosville, Esq;
Col. Hastings,
D. E. Macdonnell, Esq;
John Redman, Esq;

Non-Resident Members who have signed the Declaration.

Right Hon. Earl of Buchan,
Sir J. E. Swinburne, Bart.
Professor Millar, Glasgow.
G. Lloyd, Esq; Suffolk,
W. Belfham, Esq; Bedford,
Capel Loft, Suffolk,

W. Davy, Esq;
James Milnes, Esq; Yorkshire,
Robert Monteith, Esq; Glasgow,
J. Richardson, Esq; Glasgow
J. Losh, Esq; Cumberland,
J. Grigby, jun. Esq; Suffolk,

Treasurers.

Right Hon. Lord Kinnaird,

George Tierney, Esq.

On perusal of the subsequent indictment, the following observations naturally suggest themselves :

- I. The petitioning Parliament for redress of grievances, whether real or imaginary, is warranted by the Bill of Rights and Revolution settlement.
- II. British subjects are entitled to assemble in a peaceable manner, in order to interchange their sentiments on alledged grievances, to consult and to consider on the proper, necessary, and Constitutional means of application for redress. This is, indeed, no parchment privilege—no concession of the Sovereign. It is a right connate with the existence of Society and Government.
- III. Any individual, or any body of men, are entitled to invite their fellow-subjects to co-operate with them in such application : And the convening any meeting for purposes not inimical to the Constituted Government, and peace of the community, is authorised by the immutable decrees of natural justice, and is in strict conformity to the acknowledged principles of the British Constitution.
- IV. But if in such Conventions the addressing those assembled on the subject of Parliamentary Reform, has criminality attached to it, we ask—Why are not Pitt and Richmond torn from behind the entrenchments of corruption and dragged to the bar ?
- V. To compare the British Constitution, and much more so its practical Government, with a Constitution or Government existing or imaginary, can be, and is no violation of law. A contrary doctrine is not only repugnant to human reason, but destructive to human society. Truth can only be elicited by the collision of sentiment. All improvement existed in theory, before it was known in practice. Had such an intolerant principle predominated, Britons would not have experienced the advantages resulting from the Christian Religion, the Reformation, and the Revolution. The various modifications of government, into which civil society is divided, is a speculation always affording entertainment, reflection, and instruction to the philosophic mind. But these enquiries are not to be relegated and confined to the closet of the scholar. The interests of the human species are too deeply interested in the research, to preclude the developement of political truth, while the meanest spot of the globe, consecrated by Liberty, is to mankind an object worthy of their veneration and their love. The man, therefore, who can, with advantage, institute a comparison between two States, with respect to the expences necessary for carrying on the functions of Government, but neglects to do so, does not acquit himself in his duty to his country. With respect to Britain, it is not perhaps the Civil List which ought to claim disapprobation ;—a wealthy people can afford a liberal establishment and revenue to their Sovereign. But we hesitate not to advance, that the holders of the four first Offices of State have in



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places, pensions, perquisites, and douceurs, an annual income superior to the annual aggregate expenditure of the united cantons of Switzerland. And farther, that in Great Britain, more than six millions Sterling, are annually torn in sinecures, and excess of salary beyond what is adequate to professional trouble—Torn, we say, from the vitals of commerce, the pittance of the mechanic, and the industry of the peasant.

VI. The barely *recommending* of any book, whatever its contents may be, to the perusal of another, can be no violation of law. But we acknowledge and admit, that the selling, as also the circulating and dispersing of books, *known and ascertained to be seditious*, is unquestionably a violation of law. Here, however, difficulties must arise as to the import of terms, and the existence of guilt. Many juries have found Mr Paine's Works libellous and seditious; others have returned a contrary opinion. In this discrepancy of sentiment, what criterion of truth and justice remains to direct the judgment of the impartial? In such circumstances we conceive, that should a jury return the verdict of Guilty, the sentence of the Court ought to be characterised by leniency. The Dialogue of the Governors and Governed, is a detached selection from "The Ruins of Empires," by M. Volney, the celebrated Syrian and Egyptian Traveller, whose works have been circulated through the whole extent of Europe, and perused with avidity. The Patriot is a periodical performance to be found in every bookfeller's stall, and in every corner of Britain. With respect to the Irish Address, the situation of Mr Muir was peculiarly delicate. Upon its transmission to Mr Muir, by the Dublin Society, he was bound in honour to announce the receipt of it, and to produce it to the Convention at Edinburgh. It is difficult to conjecture by what means the Convention could discover its contents, and determine its reception or rejection, without favouring it with a reading. As we are now enabled, without personal danger to submit this paper, to general scrutiny, we leave it to our countrymen to decide, whether or not "The proposing that it should be received, and lie on the table of the said meeting, and also the moving that the thanks of the meeting, or some acknowledgement should be returned to those from whom the foresaid paper or address came;" be a violation of any known law, or established principle of justice?

IN the above general and preliminary remarks, we have been cautious, although bold—respectful, although determined. We, therefore, submit the following authentic Narrative of the trial to the consideration of the PUBLIC, and let THEM determine whether the Lord Advocate was entitled to bestow on the unfortunate Pannel, the charitable and compassionate epithets of WRETCH, FIEND, AND DEMON OF DISCORD: And whether the proof warranted the subsequent consequences?

EDINBURGH, Sept. 9, 1793.

THOMAS MUIR, ESQ.

COUNSELLOR OF HUNTERSHILL.

THE Court met at Ten o'Clock on Friday the 30th of August 1793,
being the day appointed for the Trial.

—JUDGES PRESENT—

THE LORD JUSTICE CLERK,

LORD HENDERLAND,

LORD SWINTON,

LORD DUNSINNAN,

LORD ABERCROMBY.

In a few minutes after, Mr Muir appeared at the bar. The Clerk of
Court was then ordered to read

THE INDICTMENT.

GEORGE, &c. WHEREAS it is humbly meant and complain-
ed to us by our right trusty ROBERT DUNDAS, Esq. of Arni-
ston, our Advocate for our interest, upon **THOMAS MUIR**, younger
of Huntershill, THAT, by the laws of this and every other well go-
verned realm, the wickedly and feloniously, exciting, by means of SE-
DITIOUS SPEECHES and HARANGUES, a spirit of disloyalty
and disaffection to the King and the Established Government; MORE
ESPECIALLY, when such Speeches and Harangues are addressed to
Meetings or Convocations of Persons brought together by no lawful au-
thority, and uttered by one who is the chief Instrument of calling to-
gether such Meetings: AS ALSO, the wickedly and feloniously AL-

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VISING and **EXHORTING** persons to purchase and peruse seditious and wicked publications and writings, calculated to produce a spirit of disloyalty and disaffection to the King and Government: **AS ALSO**, the wickedly and feloniously **DISTRIBUTING** and **CIRCULATING** any seditious writing or publication of the tendency aforesaid, or the **CAUSING** distribute or circulate any such seditious writing or publication: **AS ALSO**, the wickedly and feloniously **PRODUCING** an **READING ALOUD**, in a public meeting or convocation of persons, a seditious and inflammatory writing, tending to produce in the minds of the people a spirit of insurrection and opposition to the established Government: **AND**, the **PUBLICLY APPROVING** of, and **RECOMMENDING**, in said meeting, such seditious and inflammatory writing, are all and each, or one or other of them, crimes of an heinous nature, dangerous to the public peace, and severely punishable: **YET TRUE IT IS, AND OF VERITY**, That the said Thomas Muir is guilty, actor, or art and part, of all and each, or one or other, of the said crimes, aggravated as aforesaid: **IN SO FAR AS**, on the 3d day of November 1792, or on one or other of the days of that month, or of the month of October immediately preceding, or of December immediately following, the said Thomas Muir having been present at a meeting, in the town of Kirkintilloch, parish of Kirkintilloch, and county of Dunbarton, denominated, "A Society for Reform," or bore some such name, (and both of which societies above mentioned the said Thomas Muir was the chief mean of instituting and forming); he did, at times and places aforesaid, with a wicked and seditious intention, address and harangue the said meetings; in which speeches and harangues the said Thomas Muir did seditiously endeavour to represent the Government of this country as oppressive and tyrannical, and the Legislative Body of the state as venal and corrupt, particularly by instituting a comparison between the pretended existing Government of France and the Constitution of Great Britain, with respect to the expences necessary for carrying on the functions of Government; he endeavoured to vilify the Monarchical part of the constitution, and to represent it as useless, cumbersome, and expensive: **AT LEAST**, the said Thomas Muir did use words and arguments of the above seditious tendency and import. **FURTHER**, the said Thomas Muir did, some time during the course of September, October, or November 1792, in the town of Glasgow in the county of Lanark, Kirkintilloch and county of Dunbarton, and Milltown in the parish of Campsie and county of Stirling aforesaid, and elsewhere, wickedly and feloniously exhort and advise several persons to purchase and peruse various seditious pamphlets or writings; **PARTICULARLY**, the said Thomas Muir did, some time in the months aforesaid, within his father's house at Glasgow aforesaid, or some other place to the Public Prosecutor unknown, wickedly and feloniously advise and exhort John Muir senior, late hatter in Glasgow, Thomas Wilson, barber

in Glasgow, and John Barclay residing in the parish of Calder, and county of Lanark, to read Paine's Rights of Man, and to purchase the same; which book or pamphlet, entitled, Paine's Rights of Man, is a most wicked and seditious publication, calculated to vilify the Constitution of this country, to produce a spirit of insurrection among the people, and to stir them up to acts of outrage and opposition to the Established Government. FURTHER, the said Thomas Muir did, in the course of the months of September, October, or November aforesaid, wickedly and feloniously distribute and circulate, or cause to be distributed and circulated, in the towns of Glasgow, Kirkintilloch, Milltown aforesaid, and at Levenoxton, in the said parish of Campsie and county of Stirling, or elsewhere, a number of seditious and inflammatory writings or pamphlets; particularly a book or pamphlet entitled, 'The Works of Thomas Paine, Esq.' Also, a writing or publication, entitled, 'A Declaration of Rights, and an Address to the People, approved of by a number of the Friends of Reform in Paisley;' Also, a paper or publication, entitled 'Dialogue betwixt the Governors and the Governed;' Also a paper or publication, entitled, 'The Patriot;' Particularly, the said Thomas Muir did, some time in the month of October or November aforesaid, at Kirkintilloch aforesaid, or at some other place to the Public Prosecutor unknown, wickedly and feloniously deliver and put into the hands of Henry Freeland weaver in Kirkintilloch, a seditious book or pamphlet, entitled, 'The Works of Thomas Paine, Esq.' which the said Henry Freeland carried away with him; which book or pamphlet, along with the other wicked, seditious, and inflammatory pamphlets, contains the following.

FROM PAINE'S WORKS.

Part I. page 13.—"Monarchy is ranked in Scriptures as one of the sins of the Jews, for which a curse in reserve is denounced against them."

P. 20.—"In short, Monarchy and succession have laid not this or that kingdom only, but the world, in blood and ashes. It is a form of Government which the Word of God bears testimony against, and blood will attend it."

P. 21.—"Why is the Constitution of England sickly, but because Monarchy hath poisoned the Republic? The Crown hath ingrossed the Commons."

"In England, a King hath little more to do than to make war, and to give away places; which, in plain terms, is to impoverish the nation, and set it together by the ears. A pretty business, indeed, for a man to be allowed eight hundred thousand pounds Sterling a-year for, and

worshipped into the bargain! Of more worth is one honest man to society, and in the sight of God, than all the crowned ruffians that ever lived.

P. 78.—“ What are the present governments in Europe, but a scene of iniquity and oppression? What is that of England? Do not its own inhabitants say it is a market where every man has his price, and where corruption is common traffic, at the expence of a deluded people? No wonder then that the French Revolution is traduced.

P. 85.—“ But the *second* head, that of a nation establishing a particular family with *hereditary powers*, does not present itself as despotism, on the first reflection; but, if men will permit a second reflection to take place, and carry that reflection forward but one remove out of their own persons to that of their offspring, they will then see that hereditary succession becomes in its consequences the same despotism to others which they reprobate it for themselves.

P. 86.—“ It operates to preclude the consent of the succeeding generation, and the preclusion of consent is despotism.

Part II. page 30.—“ All hereditary government is in its nature tyranny. An heritable crown, or an heritable throne, or by whatever fanciful name such things may be called, have no other significant explanation, than that mankind are heritable property. To inherit a government is to inherit the people, as if they were flocks and herds.

P. 51.—“ The act called the Bill of Rights comes here into view. What is it but a bargain which the parts of the government made with each other to divide powers, profits, and privileges? You shall have so much, and I shall have the rest; and with respect to the nation, it is said, *for your share you shall have the right of petitioning*. This being the case, the Bill of Rights is more properly a Bill of Wrongs, and of insult.

P. 54.—“ The attention of the Government of England (for I rather chuse to call it by this name than the English Government) appears since its political connection with Germany, to have been so completely engrossed and absorbed by foreign affairs, and the means of raising taxes, that it seems to exist for no other purposes. Domestic concerns are neglected; and with respect to regular law, there is scarcely such a thing.

P. 126.—“ The time is not very far distant when England will laugh at itself for sending to Holland, Hanover, Zell, or Brunswick, for men, at the expence of a million a-year, who understood neither her laws, her language, nor her interest, and whose capacities would scarcely have fitted

them for the office of a parish constable. If Government could be trusted to such hands, it must be some easy and simple thing indeed, and materials fit for all the purposes may be found in every town and village in England.

And the said Thomas Muir did, some time in October or November aforesaid, within his own or his father's house at Huntershill, in the county of Lanark, or at some other place to the Public Prosecutor unknown, wickedly and feloniously put into the hands of William Muir weaver in Kirkinilloch, eleven numbers of a seditious book or pamphlet, entitled, "The Patriot," which the said William Muir carried away with him, and kept possession of; and which book or pamphlet contained, among others, the following seditious passages

FROM THE PATRIOT.

No. V. page 168 and 169.—"They have lost the distinguishing character between freemen and slaves; they have lost the distinguishing character of Englishmen! They have lost what the most tyrannical Kings of England would never force from them! They have in a great measure lost what their forefathers spent their blood and treasure to defend—the greatest jewel that any people can possess—their constitutional and natural liberty—their birthright and inheritance derived from God and Nature! They have lost the constitutional means of redress for all their grievances!—What is it, indeed, they have not lost by that hated septennial law, which has fettered down the elective power of the people, like a dog to a manger, who is only suffered to go abroad *once in seven years* for an airing!

No. VI. p. 183 and 185.—"Rouse then, ye Britons! Awake from the slumbering state of apathy in which you have so long suffered yourselves ingloriously to remain! Open your eyes to the injuries which have been heaped on you; and assert your right to have them redressed. Prove to all the world that you are the true descendants and sons of your once famed glorious ancestors; prove yourselves worthy to inherit, in its highest degree of perfection, that Constitution which they raised by their valour and cemented with their blood. Raise your voice—the voice of the people—and sound in the ears of tyrants and their abettors, that *you will be free*, and you are so: That voice is the noble, the mighty *flat*, which none can, or dare to attempt to gainsay.

No. XI. p. 375.—"And what would he (Earl of Chatham) have thought, if he had lived to hear people now talk of a happy and glorious Constitution, evidently built upon corruption, and supported by peculation?

And what would he have conjectured, had he seen a proclamation issued to intimidate and prevent the people from exercising their right of conferring upon, and publishing their grievances.

No. XII. p. 414.—“ But we should ask, here, what is the difference between a King of England taxing his subjects without consent of Parliament, and taxing them with the consent of Parliament, which Parliament the King, or his Minister, can influence as he pleases, to approve of war or peace, and to vote such supplies as may be required; no matter how grievous or burdensome, nor for what base or corrupt purposes they are granted. One would think that the latter method is equally *oppressive*, and deserving of reprobation; for being done with a seeming legality, and under a form and semblance of *Constitutional* procedure, the people are made parties to their own oppression, and the greatest insults are added to the heaviest injuries.

P. 419.—“ Here we see clearly the origin of the immense overgrown landed property of our race of nobles and rich commoners; a right founded in murder, desolation, rapine, and prosecution of the first holders and owners of the landed property in this kingdom, among our Saxon ancestors;—and by this we may easily trace the means by which our nobility are at this moment not only in possession of one branch of the Legislature by hereditary claim, but by which they have also monopolised, with the addition of a few rich commoners, the *majority of voices in the House of Commons*, which, shame to tell, is barefacedly called the Representation of the *People*. This we pledge ourselves to prove to the satisfaction of our readers in the course of this work, and indeed of a few more numbers.”

¶ And the said paper or publication, entitled, “ A declaration of Rights, and Address to the People, approved of by a number of the Friends of Reform in Paisley,” distributed and circulated as aforesaid, contained the following passages:

P. 4.—“ Being subject to the legislation of persons, whom *other men have placed over you*, it is evident you are denied that which is the right of every one, and without which none are free. For to be *enslaved*, is to have no will of your own in the choice of these law makers, which have power over your *properties*, your *families*, your *lives*, *liberties*. Those who have no votes for electing Representatives are not free, as the rights of nature, and the principles of our Constitution, require, but are enslaved to the Representatives of those who have votes.

P. 5.— 3. Should you associate in your own cause, and with one voice? the voice of united millions demand reform in the national representation.”

P. 8.—“ 10. But such a Parliament cannot be had unless we will revert to the first principles of our constitution, which we have so shamefully abandoned. A government where the executive and the legislative power meet in a single person, has no more pretence to freedom; it is perfect despotism; and the people who submit to it are in a state of *slavery*. If the will of the Prince *must* be *law*, in what manner it is announced, whether the mandate issue directly from the throne itself, or through the medium of the House of Commons, is a matter of indifference. If that assembly is no longer the representative of the people, the constitution is *changed*. If those men who are said to represent us, only are the *registers* of the *Royal edicts*, the government is degenerate into an *absolute Monarchy*. Since electing a Parliament is our only scrutiny against an *arbitrary* power in the Crown, election itself must be not only the common right, but the common *duty* of all the people.”

P. 15.—“ But the evils of long Parliaments—are they not written in *tears* and in *blood*? And have they left us aught of liberty but the name? With the poor exception, then, of one year of freedom in *France*, and that in favour of not *one-seventh* part of the nation, it is demonstrated that you are *constantly taxed without being represented, and compelled to obey laws to which you never gave assent*; Are not these the very definitions of slavery? And, are you not thus degraded to a level with the *very cattle* in the field, and the *sheep* in the fold; which are a property to those who rule over them, and *have no power to say*, why are we bought and sold? why are we yoked and laden with heavy burdens? why are we *fleece*d and led to the slaughter? Demand then, with one voice, friends and countrymen, that share in making your own laws, to which, by the constitution and the laws of nature, you are entitled; call for the *Bill* which would restore your lost constitution, and recover your stolen rights! Pursue the only course which can ever effect any considerable reduction of debts and taxes, or materially advance the interest of manufactures and commerce! In short, be free, prosperous, and happy! and give your posterity the same cause to revere your memories, as you have to bless *those progenitors* who left you an inheritance in a free constitution.”

And the above writing or publication, entitled, “ A Dialogue between the Governors and the Governed; distributed and circulated as aforesaid, contained, among others, the following passage:

“ *Civil Governors*.—The law enacts that ye be submissive.

“ *People*.—The law is the general *will*, a new order.

“ *Civil Governors*.—You will be a rebellious people.

" *People.*—Nations cannot revolt; tyrants are the only rebels.

" *Civil Governors.*—The King is with us, and he commands you to submit."

" *People.*—The Kingly office originates in the people, who elect one of themselves to execute it for the general good. Kings, therefore, are essentially indivisible from their nations. The King of ours, then, cannot be with you; you only possess his phantom. And the Military Governor stepping forward, said, "The people are timid, let us menace them, they only obey force.—*Soldiers, chastise this insolent rabble.*"

" *People.*—Soldiers, you are of our own blood!—Will you strike your brother? If the people perish, who will maintain the army? And the soldiers, grounding their arms, said to their chiefs, We also are the people, we are the enemies of ———." Whereupon the Ecclesiastical Governors said—"There is now but one resource left. The people are superstitious; we must frighten them with the name of God and of Religion. Our dearly beloved brethren, our children! God has appointed us to govern you.

" *People.*—Produce to us your heavenly powers.

" *Priests.*—You must have faith. Reason will lead you astray.

" *People.*—Do you govern then without reason?

" *Priests.*—God ordains peace. Religion prescribes obedience.

" *People.*—Peace presupposes justice. Obedience has a right to know the law it bows to.

" *Priests.*—Man is only born into this world to suffer.

" *People.*—Do you then set us the example.

" *Priests.*—Will you live without God and without Kings?

" *People.*—We will live without Tyrants, without Impostors."

FURTHER, The said Thomas Muir having, upon the 11th, 12th, or 13th days of December 1792, or on one or other of the days of that month, been present at a meeting calling itself "The Convention of Delegates, of the Associated Friends of the people," or assuming some such name; which meeting was held in a room commonly called

Laurie's room, in James's Court, in the city of Edinburgh, he did then and there, with a wicked and seditious design, produce, and read aloud to the said meeting, a writing or paper entitled, " Address from the Society of United Irishmen in Dublin to the Delegates for promoting a Reform in Scotland," Which writing or paper was of a most inflammatory and seditious tendency, falsely and insidiously representing the Irish and Scots nations as in a state of downright oppression, and exciting the people rebelliously to rise up and oppose the government. And which paper or writing, among other passages, contained the following:—

P. 1.—" We take the liberty of addressing you in the spirit of civic-union, in the fellowship of a just and common cause. We greatly rejoice that the spirit of Freedom moves over the surface of Scotland, that light seems to break from the chaos of her internal government, and that a country so respectable for her attainments in science, in arts, and in arms, for men of literary eminence, for the intelligence and morality of her people, now acts from a conviction of the union between virtue, letters, and liberty; and now raises to distinction, not by a *calm, contended, secret* wish for a reform in Parliament, but by openly, actively, and urgently *willing* it, with the unity and energy of an embodied nation. We rejoice that you do not consider yourselves as merged and melted down into another country, but that in this great national question you are still Scotland."—Also,

P. 3.—" We will lay open to you our hearts; Our cause is your cause. If there is to be a struggle between us, let it be, which nation shall be foremost in the race of mind. Let this be the noble animosity kindled between us, Who shall first attain that free constitution from which both are equi-distant, Who shall first be the faviour of the empire——The sense of both countries, with respect to the intolerable abuses of the constitution, has been clearly manifested, and proves that our political situations are not dissimilar, that our rights and wrongs are the same."—Also, p. 9.—" We will not be dupes of such ignoble artifices. We see this scheme, of strengthening political persecution and state inquisition, by a fresh infusion of religious fanaticism. But we will unite, and we will be free. Universal emancipation, with representative legislation, is the polar principle which guides our society and shall guide it, thro' all the tumult of factions and fluctuations of parties. It is not upon a coalition of Opposition with Ministry that we depend, but upon a coalition of Irishmen with Irishmen; and in that coalition alone we find an object worthy of reform, and, at the same time, the strength and sinew both to attain and secure it. It is not upon external circumstances, upon the pledge of man or minister, we depend, but upon the internal energy of the Irish nation.—We will not buy or borrow liberty from America or from France, but manufacture it

“ for ourselves, and work it up with those materials which the hearts
 “ of Irishmen furnish them with at home.—We do not worship the
 “ British, far less the Irish constitution, as sent down from heaven ; but
 “ we consider it as human workmanship, which man has made, and man
 “ can mend. An unalterable constitution, whatever be its nature, must
 “ be despotism. It is not the constitution but the people which ought
 “ to be inviolable ; and it is time to recognise and renovate the rights of
 “ the English, the Scots, and Irish nations.”—Also,

P. 11.—“ You have our ideas—answer us, and that quickly.—This
 “ is not a time to procrastinate.—Your illustrious Fletcher has said, that
 “ the liberties of a people are not to be secured without passing through
 “ great difficulties ; and no toil or labour ought to be declined to pre-
 “ serve a nation from slavery. He spoke well ; and we add, that it is
 “ incumbent on every nation who adventures into a conflict for freedom,
 “ to remember, it is on the event (however absurdly) depends the
 “ estimation of public opinion ; honour and immortality, if fortunate ;
 “ if otherwise, infamy and oblivion. Let this check the rashness that
 “ that rushes inadvisedly into the committal of national character : or,
 “ if *that be already made*, let the same consideration impel us with active,
 “ not passive perseverance, with manly confidence, and calm determina-
 “ tion, smiling with equal scorn at the bluster of official arrogance, and
 “ the whispers of private malevolence, until we have planted the flag of
 “ freedom on the summit, and are at once victorious and secure.”

“ *M. Alister, 102. Grafton-street, Printer.*”

WHICH seditious paper or writing, containing, among others, the above
 passages, the said Thomas Muir did, immediately thereafter, wickedly and
 feloniously, propose should be received, and lie on the table of the said
 Meeting ; and did also move, that the thanks of the Meeting, or some ac-
 knowledgement, should be returned to those from whom the foresaid paper
 or address came. AND MOREOVER, the said Thomas Muir did, then
 and there, wickedly and feloniously express his approbation of the senti-
 ments contained in the said paper or address, or, at least, did declare,
 that it was altogether harmless, or used words and expressions of a simi-
 lar import, notwithstanding that many of those who were present at the
 foresaid meeting, did oppose and object to the foresaid paper or
 address being read, or allowed to lie on the table, or in any shape
 acknowledged by the same Meeting. AND the said Thomas Muir
 having been brought before John Pringle, Esq. our Sheriff-depute,
 of the county of Edinburgh, upon the 2d day of January 1793,
 did, in his presence, emit and sign a declaration ; but immediately
 thereafter, the said Thomas Muir, conscious of his guilt in the premises,
 did, in order to evade punishment, abscond and leave the kingdom ; and
 having been indicted at the instance of our Advocate, for our interest,

to stand trial before the High Court of Justiciary, upon the 11th day of February last, the diet was afterwards continued to the 25th of that month, to give him the better opportunity of appearing, if he was so disposed; but the said Thomas Muir having notwithstanding failed to appear, he was, on the 25th of February last, fugitive by a sentence of the said High Court. AND the said Thomas Muir having lately, in a private and clandestine manner, come into this country by way of Ireland, he was discovered at Portpatrick, apprehended and committed prisoner to the tolbooth of Stranraer, in the county of Wigton, on the 30th, or some other day in the month of July last; and, at same time, sundry papers found in his possession were, together with his pocket-book, sealed up in the presence of William Ross, Esq. one of our Justices of Peace for the shire of Wigton, under the seals of the said Thomas Muir and the town seal of Stranraer. AND the said Thomas Muir having been afterwards transmitted to Edinburgh by warrant of our High Court of Justiciary, alongst with the said pocket-book and papers, the sealed papers, the sealed parcel containing the same was opened in presence of him, the said Thomas Muir, and Harry Davidson, Esq. Sheriff-substitute of the county of Edinburgh, upon the 10th day of August current, the seal having been previously inspected by the said Thomas Muir, and declared by him to be entire, and an inventory of the contents thereof was made, and signed by the said Thomas Muir and Harry Davidson, and others then present. AND the above mentioned declaration, emitted by the said Thomas Muir, before the Sheriff-depute of Edinburgh upon the second of January 1793, together with a copy of "Paine's Works," recommended and circulated as aforesaid; as also, a copy of the said "Declaration of Rights, and an Address to the People, approved of by a number of the Friends of Reform in Paisley," circulated as aforesaid; as also, a copy of the "Dialogue between the Governors and the Governed," circulated as aforesaid; as also a copy of "The Patriot," circulated as aforesaid; as also a copy of the "Address from the Society of United Irishmen in Dublin, to the Delegates for promoting a Reform in Scotland," produced, read and approved of by the said Thomas Muir, in manner aforesaid and attested by the subscriptions of James Denbigh, James Campbell, and others; and also a book, entitled, "The Book of the Records of the Association of the Friends of the Constitution and of the People Kirkintilloch, November 1792;" and also the aforesaid inventory, made up before the said Thomas Muir, and the Sheriff-substitute of Edinburgh, upon the said 10th day of August current, with the whole articles and papers therein contained and referred to, will all be used in evidence against the said Thomas Muir, and will for that purpose in due time be lodged with the clerk of the High Court of Justiciary, before whom he is to be tried, that he may have an opportunity of seeing the same. ATLEAST, times and places above mentioned, the said seditious speeches and harangues were

uttered, the said seditious books or pamphlets recommended to be perused, the said seditious books or pamphlets circulated and distributed, as aforesaid, and the said wicked and inflammatory address produced, read, recommended, and approved of, in manner above mentioned; and the said Thomas Muir is guilty actor, or art and part, of all and each, or one or other of the fore said crimes. **ALL WHICH** or part thereof, being found proven, by the verdict of an assize, before our Lord Justice General, Lord Justice Clerk, and Lord Commissioners of Justiciary, in a Court of Justiciary to be holden by them within the criminal Court-house of Edinburgh, the said Thomas Muir **OUGHT** to be punished with the pains of law, to deter others from committing the like crimes in all time coming.

To this indictment Mr Muir pled **NOT GUILTY**.

Lord Justice Clerk. Who is your Counsel?

Mr Muir. I am to be my own Council.

Lord Justice Clerk. Have you any thing to state just now in your defence, or on the relevancy of the libel?

Mr Muir. I have nothing to state before the witnesses are examined, when I shall have an opportunity of addressing the Jury, whom I consider as judges both of the law and the fact.—I have already given in writing, the proof that I mean to offer in exculpation.

Here the Clerk of Court read the written defences which had been given into the Court by Muir, sometime preceding the trial.

WRITTEN DEFENCES.

“The Criminal Libel is false and injurious: so far from exciting the people to riot and insurrection, it can easily be proved, by a numerous list of witnesses, that, upon every occasion, the Pannel exhorted them to pursue measures moderate, legal, peaceable, and constitutional. The charge of distributing seditious publications, and of advising the people to read them is equally false and calumnious. The pannel admits, that, on the great national question, concerning an equal Representation of the people in the House of Commons, he exerted every effort to procure in that House, a full, fair, and equal Representation of the people, as he considered it to be a measure (and still does) the most salutary for the interest of his Country. But the pannel offers to prove, that as he considered the information of the people to be the chief thing requisite to accomplish this great object, he uniformly advised them to read every publication, upon either

side, which the important question of Parliamentary Reform had occasioned.

"Annexed are a list in exculpation *."

"Under protestation to add and edit, *THOMAS MUIR.*"

Lord Justice Clerk. Mr Muir, do you propose to prove the facts stated in these defences? and say if you do admit that, you recommended the books libelled on, as it will save trouble if you do?

Mr Muir. I have nothing further to state at this time, I reserve myself till I shall come before a jury of my country. I admit, that I have done every thing in my power to promote a *Parliamentary Reform*. If that be sedition, I plead guilty to the charge. I also admit, that I did advise the People to read books of all kinds; not this book nor that book, but books on either side that might tend to inform their minds on the great and important national question which gave rise to their Association. Nor shall I hesitate to declare my motives. *I consider the ignorance of the People to be the source from which despotism flows*, I am also of opinion that an ignorant people impressed with a sense of grievances and demanding redress, are exposed to much present misery, and perhaps to ultimate ruin. *Reformation* ought to be always preceded by *knowledge*; and who will say that mankind should be precluded from that information which concerns them so materially.

Lord Justice Clerk. Propose what facts you mean to prove just now. Do you mean to rest your defence upon what is stated in this paper? If you have any other facts to prove, it will be necessary to state them now before the Jury is impannelled, as they will not be admitted afterwards.

Mr Muir. I offer to prove by thousands of witnesses, that so far from recommending seditious practices, I have uniformly advised the People to follow none but peaceable, orderly, and Constitutional measures; that I cautioned them against sedition, and finally that I exhorted them to connect *knowledge* with *liberty*, and both with *morality*. Of crimes, such as these, I am guilty.

Their Lordships then proceeded to give their opinions on the relevancy of the indictment.

Lord Henderland said, that the charge was for a crime of the most

* See No. 3. Appendix.

most dangerous tendency, and against a person belonging to the Faculty of Advocates, who he presumed must have had such an education, as might have instructed him, in the laws and constitution of his country. It is most extraordinary that such a person should wickedly and feloniously harangue ignorant country people, and circulate seditious publications. When these practices could have no other tendency than to excite a spirit of discontent against the king and government of this realm: (That government upon which the rights of all equally depend,) and to introduce levelling principles, which he must have known from the history of his country, occasioned the loss of so much blood more than a century ago. Had he turned his eyes to the melancholy state of a neighbouring nation, to the scenes of blood and devastation in France, where the grossest oppression existed under the pretended name of liberty and equality? Sure he was, that he sincerely hoped that the gentlemen would be able to exculpate himself, but we are obliged to hold the indictment true, and which if proven, infer every thing short of capital punishment.

Lord Swinton said, he never had heard such an indictment read, and he did not believe that in the memory of man there ever had been a libel of a more dangerous tendency read in that Court. There was hardly a line of it which, in his opinion, did not amount to High Treason; and which, if proven, must infer the highest punishment the law can inflict.

Lord Dunfinnan and *Lord Abertombie* coincided in opinion with *Lord Henderland* and *Lord Swinton* as to the dangerous tendency of the crimes charged; and that, if proven, the highest punishment should be inferred.

Lord Justice Clerk. The crime here charged, is sedition, and that crime is aggravated according to its tendency. The tendency here is plainly to overturn our present happy constitution: The happiest, the best, and the most noble constitution in the world, and I do not believe it possible, to make a better; and the books which this gentleman has circulated, have a tendency to make the people believe that the government of this country is venal and corrupt, and thereby to excite a rebellion. His Lordship, therefore, agreed to find the libel relevant to infer the pains of law.

The Court than pronounced the following

INTERLOCUTOR.

“ The Lord Justice Clerk, and Lords Commissioners of Justiciary,
 “ having considered the criminal libel, raised and pursued at the instance
 “ of Robert Dundas, Esq; of Arniston, his Majesty's Advocate, for
 “ his Majesty's interest, against the said Thomas Mair, pannel, they

“ find the libel relevant to infer the pains of law, but allow the pannel to
 “ prove all facts and circumstances that may tend to exculpate him, or
 “ alleviate his guilt ; and remit the pannel with the libel, as found rele-
 “ vant, to the knowledge of an assize.”

The Lord Justice Clerk proceeded to name the Jury, and called Sir James Fowles of Collington, and Captain John Inglis of Auchindinny ; when

Captain Inglis had answered to his name, he observed, that being in his Majesty's service, he did not wish to be on this Jury, as he thought it unfair, in a question of this kind, to try Mr Muir by servants of the Crown.

Captain Inglis was answered by the Court, that there was no impropriety in him being of the Jury, notwithstanding that he belonged to his Majesty's service.

And his Lordship having selected the first five, asked Mr Muir if he had any objection to these gentlemen being his jurymen.

Mr Muir replied, that he objected to them all, not that he meant any reflection to the gentlemen, whom he believed to be men of honour and probity, but because they had already prejudged his cause. He said that parties had run very high in this country and men will differ in their opinions,—these gentlemen were of one opinion, and he was of another. Good men may think differently ; but if they declare their opinions and principles on particular subjects, and if these principles imply a condemnation of particular opinions in others, they cannot be proper judges upon a man brought to trial for acting in opposition to them. He had entered into the Society of the *Friends of the People* ; and he and those with whom he associated, had done what they considered to be their duty, by endeavouring to obtain a parliamentary reform, and the above gentleman, from motives, he believed, of equal purity, as those which acted him and his friends, had entered into another Society, known by the name of the *Goldsmiths Hall Association*. This society opened a book inviting all those who were friends to the Constitution, to come and sign their resolutions : and Mr Muir stated, that he and some others were deputed by the Convention of the Delegates of the Friends of the People, to go and sign these Resolutions : That after having subscribed to the Resolutions of this Goldsmiths Hall Association, their names were expunged from the list, and they were proscribed as enemies of the Constitution. He disdained the little quibbles of a lawyer ; *But the Remembrance of this trial, said Mr Muir, will not pass away with the present moment, it will be marked by her times !* Was it consistent with material justice, that the very men

who had formerly condemned him should now be called to judge him? He was accused of circulating seditious books, and Paine's Works are mentioned in the indictment. Now he is to be tried by the very men who offered a reward for information against any person circulating that book. Is it to be expected, that these men are to be impartial, when they have solemnly declared their sentiments, and entered into an Association for the express purpose of prosecuting those who have acted as he was said to have done? These Gentlemen he considered as parties in this cause; and, therefore, totally unfit for to be his Jurymen.

The Solicitor-General Blair answered, that this was a very extraordinary objection. The pannel was brought to trial for forming associations against the Constitution, and he objected to his Jury, that they had associated in defence of Government.

Mr Muir. I shall not, this day, descend into the miserable quibbles of a lawyer, but shall defend myself on the broad basis of general justice. I am accused of being an enemy to Government; and the gentlemen of that association have, in fact, by their conduct, already solemnly declared that I am such enemy. I demand justice. Let me be tried fairly; not by a jury of men, whose minds must be supposed to be warped by prejudices; *I therefore solemnly protest*, that no person, who is a member of the Goldsmiths Hall Association, should or can in justice sit as a jurymen on my trial.

Lord Justice Clerk. If this objection were good, every person who has taken the oaths to Government might be objected to, as having sworn to support Government.

Lord Henderland. These gentlemen entered into a society for a particular purpose, and had a right to chuse such members as they thought proper; and they did not think Mr Muir or his friends proper members. This could give no good ground for objecting to them as Jurymen in any trial.

The Court repelled the objection.

Mr Muir made the same objection to the next five that were selected, and again to the last five, recapitulating what he had said before, and applying it to all of them. One gentleman named, he said, had acted honourably; he felt the delicacy of his situation, and wished to decline it. He took the liberty of recalling to the recollection of the Jury the peculiarity of their situations. He was already prejudicated, and appealed to their consciences, whether they could, as men of honour, sit in judgment upon him whom they had already denounced to the world.

Their Lordships, however, were unanimous in repelling the objection; and the Jury was impanelled,

CONSISTING OF

Gilbert Innes of Stow, Chancellor.
 Sir James Fowles of Colington,
 Captain John Inglis of Auchindenny,
 John Wauchope of Edmonstone,
 Andrew Wauchope of Niddry-Marshall,
 John Trotter of Mortonhall,
 James Rothead of Innerleith,
 John Alves of Dalkeith,
 William Dalrymple merchant, Edinburgh;
 Donald Smith banker there,
 James Dickson bookfeller there,
 George Kinnear banker there,
 Andrew Forbes merchant there;
 John Horner merchant there.
 John Balfour, younger of Pilrig, Clerk.

The Lord Advocate then proceeded to call the

EVIDENCE FOR THE CROWN.

ALEXANDER JOHNSTON, Bleacher, Kincaid, Printfield,
 Campsie.

Mr Muir objected to this witness. The man, he said, according to the best of his remembrance, he had never seen before; but he would state what he could prove by respectable witnesses, that this man had said, If ever he (Mr Muir) came to this country, he would do all that he could to get him hanged.

The Solicitor General replied, That if this objection were listened to, it would be in the power of any person to disqualify himself from being a witness in any cause.

The Lord Justice Clerk said, "He will be purged upon oath, Mr Muir."

The Court unanimously repelled the objection.

Mr Muir, not being allowed to bring the proof he offered, said, "I state my objection to the Jury: I leave the credibility due to this witness with them."

Alexander Johnston, who had been ordered out, as is the custom when any objection is made to a witness, was again called into the court, and, being sworn, said, That he was present at a meeting at Kirkintilloch in November last; the meeting had at that time no particular name, but it was afterwards known by the name of a Reform Society. Mr Muir was present at the meeting, and Henry Freeland weaver in Kirkintilloch was president. Mr Muir said he was happy to see so full a meeting, and mentioned the disadvantages under which this country labours from an unequal representation of the people in parliament. Mr Muir said, that many places, which contained great numbers of inhabitants were not represented at all; he mentioned the Rotten Boroughs, and the small number of votes in such places, the influence of Lords, and that one man in some places could make two members of parliament; that the British parliament were often not the representatives of the people; that if a man threw away 20,000 l. in making himself a member of parliament, he surely had some interest in it; that the Duke of Richmond had complained of this, but that 30,000 l. had been put into his pocket to silence him. He observed, that the French would now, without a doubt, be successful; that they were more equally represented than the people of Britain, and their taxes less; that two thirds of the French national debt was already paid; and that a weaver in this country could not bring his goods to market upon the same terms with a weaver in France. Mr Muir, he added, pointed out regulations for the Society; said they should be well acquainted with the principles of those they admitted into it; that the sole intention of such societies was to obtain a more equal representation of the people, and a shorter duration of parliament; advised the meeting to publish their sentiments, and to obtain political knowledge by corresponding with other societies, and also by reading political books or pamphlets. The witness being interrogated, if Mr Muir mentioned any particular book, answered, that "he mentioned none in particular." Being interrogated by the Solicitor-General, if there was any thing said about the Royal Family, he answered, that there was nothing said on that subject, except that they were to hold it legal to have a king; but there was nothing said about the powers of the king, nor the expences which his government might incur. That a person present enquired into the principles of the society, and one near him said, that for his part he had no need of any explanations, for he had read Paine's Rights of Man. Being questioned as to the circumstances in which Paine's book was mentioned, he said, that it was spoken by one neighbour to another, and he did not know that Mr Muir heard the

conversation. The meeting was principally composed of weavers, young men from 18 to 21 years of age*. The witness also deposed, that he knew of no meeting previous to this; it was understood, he said, for the constituting meeting. Mr Muir did not come in till after the society was constituted; it was said that Mr Muir had promised to be there, and that he was considered as the chief person at the meeting. Mr Muir recommended to the people who intended to form themselves into societies, to do so soon, that they might be able to communicate their sentiments to one another, and lay their petitions before parliament. Mr Muir also recommended to others who came from the same part of the country with the witness, to form societies for Reform, and meetings were accordingly held in consequence, but the witness did not hear Mr Muir promise to attend any of those meetings.

When cross-examined by Mr Muir, the witness deposed, that Mr Muir recommended order and regularity, and told the meeting, that any act of tumult would ruin their cause. He told the meeting, that there was no other way of obtaining what they wanted but by applying to parliament.—He recommended to the meeting to be careful of what members they received, and to admit no immoral characters. He likewise recommended reading political pamphlets in general.

ROBERT WEDDELL, Weaver in Kirkintilloch,

DEPONENT, That he was at the meeting at Kirkintilloch in November last, the day of the month he did not remember; the object of the meeting was to obtain a parliamentary reform, and afterwards called a Society of the Friends of the People. That the witness was Vice-President of the meeting; that he saw Mr Muir there after the Society was constituted; that he made a speech concerning the inequality of the representation; Mr Muir was for King, Lords, and Commons. He said, that the Society ought to petition the House of Commons, and proceed in a constitutional manner as by law established. There was nothing said about the expences of the King, nor the burden of taxes, nor no comparison made between the government of France and the government of this country. The witness could not recollect how long Mr Muir spoke. He was at another meeting with him, after the first meeting was broken up. The conversation at this second meeting (in the house of Mr Wallace, Kirkintilloch) was on different subjects, chiefly relating to the news of the country, and about books. He could not tell the number

* Though Mr Muir omitted to take notice of this part of Johnstone's evidence, it may not be improper to observe, that Weddell, the next witness, and Vice-President of the Society, appeared to be a man above forty years of age, and none of the persons, members of this society, who were examined as witnesses, seemed to be much below thirty.

that was present ; there might be about eight, not one-fourth of the former meeting. He knew that Henry Freeland, who was president, and James Baird secretary, of that former meeting, were present at this one also. The conversation was carried on generally in detached parties by speaking one to another, and Mr Flower's book on the French constitution was mentioned. The witness never had heard of the book before, which was the reason of his recollecting the circumstance so particularly. He thinks it was Mr Muir who mentioned this book, but cannot be positive. Paine's book was not spoken of at this meeting, but was at the former, where one Robert Boyd asked Mr Muir's opinion of Paine, and that Mr Muir answered it was a book quite foreign to their purpose.

The Lord Advocate asked the witness, What was said about Flower on the French Constitution ?

Mr Muir objected to this question, and the witness was removed.

Mr Muir said, Mr Flower's book contained no sedition. It is a book which he supposed their Lordships and the Jury may have read ; a performance which does honour to its enlightened author, and the principles of which he would recommend to every man, who valued the interest of his country. But there is no mention of this book in the indictment. How then could the Lord Advocate bring it forward now it was not once mentioned in the libel.

The Lord Advocate answered, that the general charge was sedition, and circulating seditious publications ; and that if any circumstance comes out in the examination, which might tend to prove that crime, he was entitled to put questions concerning it, under the major proposition of the indictment.

Mr Muir replied, that a charge in criminal law ought not to be general. Would it be fair in the Lord Advocate, if he (Mr Muir) had been tried for robbery, to bring a proof that he was guilty of murder ? He could have proved, that Mr Flower's book is no libel, or he might have brought evidence to prove that he never recommended or circulated it, but here an unfair advantage was taken of him, it was a secret trap, an engine laid to ensnare him.

Lord Justice Clerk According to the statute of James VI. whenever art and part is stated in the indictment, the generality of the libel cannot be objected to ; this is a proper question, and ought to be sustained.

Their Lordships were going to give their opinions upon this point, when the Lord Advocate signified, that he would give up the question on Flower.

The witness being called in, the examination proceeded. He deposed, that there was something mentioned at the meeting about purchasing books, and Henry's History of England was mentioned. Being interrogated as to what books were purchased in consequence of this conversation, Mr Muir objected to this question upon the same grounds as before; but the objection was repelled by the Court.

The witness was then again interrogated what were the books he had purchased or any other person he knew, deposed, that he had purchased two or three copies of the Political Progress of Great Britain, and three or four copies of the Paisley Declaration of rights, that these purchases were not made for the Society, nor in consequence of the conversation which took place at the meeting, but merely for his own amusement. That he kept one of the copies for his own use, and he got his own money for the other three copies of it. That a copy was laid upon the table before the meeting was gathered. He knew of no copies of Paine being circulated; he had read it, but did not recollect from whom he had received it; he never saw the dialogues between the governor and the governed, but had seen one number of the Patriot, which was shewn to him by William Muir.

When cross examined, he said that Henry's History of England was spoken of by Mr Muir. Deposed, that Mr Muir did not advise the people to riot, but that he advised them to constitutional measures, and said the more constitutional the more successful they would be.

Being interrogated by the Solicitor General concerning the object of the Society, and what he meant by a reform in parliament, was every man to have a vote? he hesitated and said there were different opinions, but that in general it a more equal representation, who were to have votes? As the witness did not reply readily to this question, the Solicitor General took occasion to observe, that he wondered what Mr Muir intended to make of the people; and that if all the members of the Society were as ignorant as this vice president, they must know nothing about the matter. Then the witness stated, that there were two opinions in the Society, one party was for having the rights of voting confined to landed property, the other was for every man having a vote.—Which party he was of? he had not fully made up his mind upon the question.—Did Mr Muir give his opinion upon the point? “he did not.”

Being cross examined again by Mr Muir, he said he remembered Mr Muir having dissuaded the people from tumult and sedition, and having stated to the Society, that if they were to pursue unconstitutional measures,

he would desert them. Mr Muir did not recommend one book more than another ; except Henry's History of England.

REV. Mr LAPSLIE, Minister of Campsie.

Mr Muir objected to this witness, and he was ordered to the Outer-house till the objection should be decided upon.

Mr Muir said, he had many objections to make to this witness ; but as he intended to bring a criminal prosecution against him, he would only at present state, that he had been present at the precognition of witnesses, and put questions to the persons precognosed. That he had attended and assisted the messengers who were employed to summon the witnesses, and had gone hunting up and down the country for witnesses, and taking notes and putting questions whenever there were witnesses examined against him (Mr Muir,) and that the very *rev. gentleman* was not cited as a witness on his trial, but had voluntarily offered himself. Mr Muir offered to prove the first part of the objection by witnesses, which he had ready.

The Lord Advocate said, that he knew the Court had, in late cases, sustained the objection against a witness upon the head of his being present at the precognition : That he had no intention of disputing the point at the time, though he might on some future occasion take the judgment of the Court upon it ; and, in the mean time, agreed that Mr Muir should be allowed to prove the first part of the objection.

The proof was accordingly granted, and Mr Muir called the following witnesses.

HENRY FREELAND, Weaver in Kirkintilloch,

DEPONED, That when he was examined in a house in Kirkintilloch, before Mr Honeyman, sheriff of Lanarkshire, Mr Lapslie and a gentleman from Glasgow were present ; that Mr Lapslie put questions to him, and asked him if ever he had seen Mr Muir at any meeting. The witness answered, he had. That when the witness was signing his deposition before Mr Honeyman, " Mr Lapslie asked him if he had got a College education ?" Upon answering in the negative, Mr Lapslie clapped the witness on the right shoulder, and said, " You write a good hand." The witness did not reply immediately ; and Mr Lapslie added, " It is a pity for such a clever young man as you to be a weaver." " Mr Honeyman will perhaps procure you a birth." " That is flattery," said the witness. Mr Lapslie clapped him on the shoulder a-

gain, and said, " Not at all ; Mr Honeyman will probably call on you again."

ROBERT HENRY, Engraver, Kincaid Printfield,

DEPONENT, That he was examined at Miltown by Mr Honeyman, and Mr Lapslie was present, but asked no questions.

ROBERT M'KINLAY, Print-cutter, near Paisley,

DEPONENT, That he was examined at Campsie, where Mr Honeyman, Mr Lapslie, and Mr Shiells from Glasgow, were present : That Mr Lapslie appeared very keen, and bade him tell every thing, as it did not concern him (the witness) but Mr Muir.

The Lord Advocate then said, he would give up Mr Lapslie as a witness, not on the ground of his being present at the precognitions, but because he appeared, if not as an agent at least to have taken too active a part in the business ; reserving to himself, however, the power of taking the opinion of the Court upon the former point at another opportunity.

Mr Muir said, he was sorry that the Lord Advocate had given up Mr Lapslie so easily, as he intended to have brought a cloud of witnesses to bear testimony of the conduct of that respectable gentleman.

The evidence for the Crown was then resumed.

HENRY FREELAND,

DEPONENT, That he was present at the Kirkintilloch society for Reform at the first meeting, remembers Mr Muir at that meeting. (the witness was President that night, the 3d of November). Mr Muir made a speech, the purport of which the deponent did not exactly remember, thinks that Mr Muir spoke about a quarter of an hour. The general purport of the speech was, that the people should be more equally represented, and the duration of Parliaments shortened, which would have a tendency to lessen the taxes ; that a reform was not to affect the King or Lords, but only the Commons. Mention was made of the success of the French arms, and that the liberty seemed to be established ; did not understand that there was any comparison made between the Government of France and this country : Henry's history of England was mentioned—Mr Muir recommended reading books in general. The witness has seen the resolutions of the Westminster association. He ge-

poned, that Mr Muir had sent for him to the House of Mr Wallace, Innkeeper in Kirkintilloch, —that Paine's book was mentioned by Robert Boyd, and Mr Muir said it was foreign to their purpose. The witness likewise deponed, That when he was sent for by Mr Muir, he said that he had heard of a society for Reform being formed at Kirkintilloch, and that he was concerned in other societies, and wished to talk to him about it: the witness had never seen Mr Muir before; and, after some conversation, he asked Mr Muir if ever he had read Paine's book, and what he thought of it, Mr Muir said that it had rather a tendency to mislead weak minds—the witness said he wished to see it, Mr Muir told him that it was in his great coat-pocket, which was lying on a chair in the room: the deponent then took the book out of the great coat pocket, and said he was surprised that Mr Muir did not recommend it to him, because every body was pleased with it. The witness said to Mr Muir, that he believed the King's proclamation was directed against Mr Paine's book, and Mr Muir agreed it was the general opinion. That the witness took the said book home and read it; that he also gave it to others to read, viz. to John Scott, wright, and John Stewart, cooper, member of the society, who was angry that it was given to Scott before him, as he wanted to read it first.

The witness also depones, that the Paisley declaration was not mentioned at this meeting, but that he had afterwards written in a letter to Mr Muir, informing him that the books which were in circulation, gave great satisfaction. The Paisley declaration was then in circulation.

The reason of the deponent's writing to him, was to get his opinion, on the case of a newspaper, addressed to the witness, which had been sent by the post-master of Kirkintilloch to Mr Gray, a justice of the peace, and enquiring whether it would be proper to prosecute the post-master and the justice of peace. And the circulation of the books was only mentioned in a postscript, after having stated the case.

The deponent received two letters from him, neither of which took any notice of the circulation of the books. In the second letter, he said, that a Convention of Delegates of the Friends of the People was to be held soon in Edinburgh, and he hoped to see him there. The witness never purchased the Paisley Declaration: That copies of it were purchased for the society. It was mentioned at different meetings as published, and it was thought proper to purchase some for the society. The copy of Paine's works produced in Court, was identified by the witness, to be the book, which he took out of Mr Muir's coat pocket. When he took the book, the leaves were not open. The witness added again, that he mentioned the book first to Mr Muir. That William Muir was present when the book was taken, and the witness believed, that the reason Mr Muir sent for him to Wallaces's, might be, because he was a distant relation.

When cross examined by Mr Muir, the witness deponed, That he had a conversation about forming a reform society before he saw Mr Muir : That Wallace, the keeper of the public house in which the meeting took place, was an old servant of Mr Muir's father : That Mr Muir recommended no particular book, except Henry's history of England ; but that he recommended reading political books in genera : That he cautioned them to be careful, that they admitted none but persons of good moral character into their society—advised them to follow none but legal and constitutional measures ; and said mobs would ruin their cause : *That Paine's book was foreign to their purpose* : That there was no way of obtaining a reform but by petitioning Parliament. When asked by Mr Muir " Why was you so desirous to see Paine's book ? " he answered, " because I was informed that the King's proclamation was directed against it, and I was curious to see a book that was so much spoken of."

About this time, Mr Wylde, advocate, who was sitting at the Clerks table, handed a note to Mr Muir ; upon which he requested that Mr Wylde should be inclosed as an exculpatory evidence.

Mr Wylde, after having retired for a few minutes, returned, and pointed out something in the note which he had not observed. Upon which, he began to apologize for what had happened, which was owing to a part of the note having escaped his observation. But he was interrupted by the Court, and told that he was not in a place for making apologies. Then Mr Wylde rose, and in a most candid and manly manner, stated that the note he had given to him, was simply mentioning, that a similar requisition was made to him, and he would have lent Paine's book if he had it in his possession.

WILLIAM MUIR, Weaver in Kirkinilloch.

Refused to be put upon oath, alledging that it was contrary to his religious principles. Being asked what religion he was of, he answered, that he was one of the *mountain**, and said that it was against his religious principles. The Court reasoned with him for some time, and told him, he must go to jail if he persisted in refusing to take the oath. Lord Justice Clerk told him that his imprisonment would be eternal. His Lordship told him that there was nothing in the scripture against taking an oath ; and asked him if he believed the Bible. All this had no effect. The witness said he would not swear, but would tell the whole truth without an oath.

The Lord Advocate then moved that he should be committed to prison for refusing to take the oath, observing at the same time, that if he

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* A religious sect commonly by the name of the *Covenanters*, descendants from the covenanters in the Reign of Charles II.

allowed himself to be committed for his obstinacy, there was no way by which he could be delivered, and his imprisonment must be for ever.

Mr Muir said, That the witness was adduced in evidence for the Crown; and that he was willing to dispense with an oath in this case, and allow the witness to be examined against him without it.

Lord Justice Clerk said that would not do, as it was contrary to the rules of the Court, and that neither the Court nor the jury could admit any evidence which was not given upon oath, and that it could on no account be dispensed with.

The Court again exhorted the witness to take the oath; otherwise he must be sent to gaol for life. He answered that he could not help it; that he would not desert his principles; and that the Lord would be present with him in the gaol as well as elsewhere.

All entreaties proving ineffectual, the Court ordered him to gaol till liberated in due course of law, observing at the same time that they knew not of any means by which he could ever be liberated. He, however, walked out of the Court, in the custody of a macer, with the most astonishing resignation.

JOHN BROWN, Weaver at Lennoxton, in the parish of Campsie.

DEPONENT, That he was present at a meeting in Miltoun in Campsie, in October or November last, and recollects that the pannel was present at a meeting, and that he spoke there: That he was not at the Kirkintilloch meeting, though he had heard of it: That the Campsie meeting was after the Kirkintilloch meeting: That it was some lads of the place, and people of the neighbourhood, who called the meeting at Miltoun. He never heard that the Pannel was the occasion of it. He saw no books at the meeting. He had seen Paine's book, but not at the meeting: he had bought it. The deponent was not positive that the book was not spoken of at the meeting: it might have been mentioned, but he does not remember it. The purport of the Pannel's speech, was recommending good morals and constitutional measures. He does not remember at what time he bought Paine's book, nor whether it was before or after the meeting: That he bought it at Glasgow, having seen it accidentally in the window of a shop. Being farther interrogated, as to what he heard him say? depones, That he recommended sobriety, morality, and every good and constitutional book: That there was some things in Paine which would hardly do, and that were not constitutional—There was no mention made of France, nor of the French Constitution. The witness had read a small part of the Political Progress.

ANNE FISHER, Servant to Mr. John Carlisle, Collector of the Cess in Glasgow.

DEPONEE, That she was servant to Mr Muir's father last year, and that she had frequently occasion to know how Mr Muir was employed; That during the vacation in harvest last, he was chiefly engaged in reading and writing. Does not know what he was writing: That she remembers going to Mr Menpon's, Printer in Glasgow, with a paper, which she thinks was called a Declaration of Rights, in order to have it reprinted. To the best of her remembrance, it was not printed as he wished it. That a great number of country people came to his father's house, with whom he had sometimes conversations in the back shop: That she heard him say, that Paine's Rights of Man was a very good book: That she has some times bought that book for people in his company, sometimes at his desire, sometimes at the desire of the people themselves, different parts at different times; and that she sometimes gave them to the people, sometimes to him, but most commonly laid them upon the table: That she remembers being sent to purchase a civic sermon: That Mr Muir's uncle, was one of the people for whom she bought two different parts at different times, of Paine's book; and that she also bought it for John Muir hatter, who was much pressed by him to get one: That she bought the book in Brash and Reid's: That she purchased it also for one Barclay, a weaver from the parish of Calder: That she knows Thomas Wilson to be his hairdresser: That he told Wilson to buy Paine's Works, and keep it his shop for the people who came there, that it might enlighten their minds; and said, that a barber's shop was a good place for reading in: That it would enlighten the minds of the people, and that it confused Mr Burke entirely: That she herself read Paine's Rights of Man; as she was curious to see what was in it: That the copy she read, belonged to his servant: That she has seen several copies of the book, one in writing paper, with Paine's head, and several in coarse paper: That she had seen Flower on the French Constitution: That she has also seen the Declaration of Rights in his room, and in the dining room; and also the Dialogue betwixt the Governors and the Governed, which she has heard him read to his mother, sister and others, but does not know the other persons who were present: And that this was in the shop: That he said it was written by Volney*, one of the first wits in France: That she cannot recollect any of the persons present: That she does not remember to have seen the Patriot, but has heard the Paisley Declaration read by him, in the back shop, she thinks: That she never heard him read law books: That she has been sent up

* Volney, author of Travels through Syria, Egypt, &c. This Dialogue is extracted from a work of his, published in 1778, entitled, "The Ruins of Empires." M. Volney was also a Member of the Constituent Assembly of France.

from the back shop for loose copies of Paine's Rights of Man, but does not know how many : That his conversation was commonly on political subjects : and that he frequently read French Law Books : That he recollected hearing a conversation, wherein he said, that if every man had a vote, he would be member of parliament for Calder : That members of parliament would then have thirty or forty shillings a-day, and that none but honest men would be members of parliament, who would keep the Constitution clear ; and that they would give new counsellors to the King, such as would govern the nation with justice : That France would soon be one of the most flourishing nations in the world, for they had abolished tyranny and were free : That the Constitution would be very good, if it had a thorough Reform : That the Court of Judiciary would need a thorough Reform too, for it was nonsense to see the parade with which the Circuit Lords come into Glasgow : That they got their money for nothing, but pronouncing sentence of death upon poor creatures : That this conversation took place about the time of the last harvest Circuit : That she remembered about that time, Mr Muir was Counsel for two soldiers at Glasgow ; and that in conversation afterwards, upon that subject, she heard him say, that he had then told the judges and the jury, as much as what they had to expect.

Here Mr Muir said, he had some objections to state ; and upon his motion the witness was removed.

Mr Muir then stated, that though he had been accused of disrespect to their Lordships, he was now going to show the highest respect for this Court, by calling upon them, to put a stop to the unjustifiable method of examining witnesses to a variety of circumstances not in the libel ; which he was certain their Lordships would never allow : For then, the Lord Advocate might bring out circumstances, of which, he (the pannel) was entirely ignorant, and which, having only the libel for his information, as to what he was accused of, he had had no opportunity of disproving. Why did not the public prosecutor include those facts in the indictment, if he meant to insist upon them : That the facts were artfully introduced, as they implied a disrespect of this Court ; but nothing of this was in the libel, and nothing could be farther from his mind : That the question was of very little importance to him as an individual ; but he felt for his country, he felt for posterity, to whom this trial would be an object of attention : And he should consider himself as highly culpable were he to sanction, by his silence, a precedent of so dangerous a tendency.

The Lord Advocate answered, that the entire series of charges was sedition, which consisted of many facts and circumstances, and particularly of feloniously and seditiously stirring up the inhabitants against a lawful

King and Constitution: That he was entitled to bring in evidence, every word or expression which he held in his own family, and every conversation with ignorant country people, and, upon that ground, he was entitled to prove the facts by every witness that can be brought against him: That the accusing the Courts of Justice, constituted by law, was a circumstance tending to prove the charge: That had he thought it necessary to specify all the facts, he might have proven against the pannel, they would have covered as much paper as would go round this Court.

Mr Muir replied, that he did not mean to entertain their Lordships with frothy declamation, and sounding periods. He would only state that plain principle; which, if denied, every man's life, liberty, and property would be insecure. It is this—when a man is brought to trial, he shall be previously informed of the crimes with which he is charged. He instanced an indictment, charging, that he had murdered John; and asked whether the Lord Advocate would be allowed to prove he had murdered James or William. The particular acts which have constituted the sedition, ought to be produced, that he might have an opportunity of vindicating himself. If such a doctrine were sanctioned, he trembled for the fate of this country; in which, hope was lost at the present, and the future time presented only the melancholy prospect of despair.

THEIR LORDSHIPS GAVE THEIR OPINIONS, AS FOLLOWS.

Lord Swinton said, that it was the general proposition of the libel, that the pannel went about sowing sedition, and as the courts of justice were parts of the constitution, he was of opinion, that reflecting on them was included in the general charge.

Lord Dunsfman was of the same opinion, that every particular circumstance that may come out in evidence, need not be libelled.

Lord Abercromby said, there was no necessity for specifying in the libel every particular seditious expression that might be used.

Lord Justice Clerk agreed with *Mr Muir*, that where one crime is libelled, another cannot be proved. But that does not apply to the present case. The crime libelled is sedition, and it may consist of a great many particular facts and circumstances, of which a number are specified in the libel: But the prosecutor is not barred from bringing proof of other acts and circumstances, constituting the crime of sedition. Under the statute of King James I. wherever art and part is libelled, the prosecutor can prove every fact and circumstance, and no objection of generality is admitted. Is it not a circumstance tending to prove the charge

of sedition; that the pannel endeavoured to influence the minds of the people against the courts of justice, which are so material parts of our happy constitution?

The witness being called back, deponed, That she had heard Mr Muir say, he was for a monarchy upon proper restrictions, and a parliament that knew what they were about: That a republican form of government was best, but that monarchy had been so long established in this country, that it would be improper to alter it. She also deponed, That by his desire she went to an organist in the street, and made him play *Ca Ira* *.

Mr Muir being asked, if he had any questions to put to this witness? answered, "I disdain to put questions to a witness of this kind."

The witness, on her part, asked of the Court, if she might put a question to Mr Muir?

The Lord Justice Clerk said, he would not permit it, but that Mr Muir's expression was very improper; and added, that he had never heard a more distinct and accurate evidence in his life.

Lord Henderland observed, that had Mr Muir not been standing at that bar as a pannel, he would have ordered him to prison for the expression!

As the witness was withdrawing, one of the jury (Captain Inglis,) desired she might be called back, and asked her, If there was no quarrel or misunderstanding between the family and her at parting? She answered, that so far from that, her mistress gave her five shillings over her wages, and Miss Muir gave her a petticoat, and some other articles of cloaths †.

THOMAS WILSON, Barber in Glasgow,

DEPONES, That he was hairdresser to Mr Muir in the months of

* This witness answered the questions put to her with much promptitude and flippancy, and did not appear to be any way embarrassed when before the Court, a circumstance very uncommon in a girl of her situation of life.

† This part of Fisher's testimony, we have authority to say, is totally false: she did not receive a farthing from Mrs Muir besides her wages, nor any article of cloaths from Miss Muir; and she was not permitted to remain in the family after the term day.

August and September last : That Mr Muir one day asked him, if he had bought any of Paine's Works; to which the deponent answered; that he had not; and Mr Muir replied, he should buy a copy of it, and read it, and said, that he ought to have a copy of it in his shop, as a barber's shop was a good place to read in, but did not press him to buy it : That the witness did not purchase a copy of Paine's Works, but bought the Address to the Addressers; and having had it a day or two in his shop, he took it away when it began to be called down : That he remembers one day, of an old man coming into Mr Muir's room, while he was dressing him, and that the pannel said to the witness, *in a laughing stile*, " This is a keen reformer, or a great reformer : " That the witness recollects nothing further of the conversation : That he could not recollect the man who was present, nor if any thing was said about Paine's Works, or whether it was a good or a bad book, and never recollects of its being mentioned upon any other occasion.

Being cross-examined, he said, That Mr Muir wished to maintain the Constitution : That he often expressed himself in wishing for peace among the people, good morals, good order, &c. : That he has been in Mr Muir's library in the country, which is a large room open to the whole house.

After this witness was examined, *The Lord Advocate* informed the Court, that he had just received a note from Mr Dunn, minister of Kirkintilloch, (who was cited as a witness,) respecting William Muir, who had been committed to prison, for refusing to take the oath : That the man was a parishioner of Mr Dunn's, and that if he were allowed to converse with him, he might be able to remove his objections to taking the oath. His Lordship, therefore, moved the Court, that Mr Dunn should be admitted to converse with William Muir for that purpose.

Mr Muir opposed the motion. He repeated what he had already said, that he was willing to admit this man as evidence against him, without any oath; but that by the law of this country, witnesses were to be examined apart from each other, and that they should not be allowed to converse together previous to giving their testimony : That he was now standing forth in a public cause; and, considering it in this view, he would be wanting to his country, were he to allow two of the witnesses to converse together—a measure which might establish a precedent of the most dangerous consequences to posterity.

The Lord Advocate then signified, that he would pass from the examination of Mr Dunn as a witness, and proposed that he should converse with William Muir in presence of an officer of the Court.

Mr. Dunn, being called in, stated, that he could not promise to remove the man's scruples, but that he would endeavour to do so.

Mr Dunn was then sent to converse with the prisoner, in the robbing room, in presence of one of the macers; but was ordered to confine himself solely to the removing of his scruples, and not to say any thing on the subject of the trial.

JOHN MUIR, late Hat-manufacturer in Glasgow,

DEPONEE, That he is acquainted with the pannel: That he was at his father's house in Glasgow in the month of September last: That the pannel asked him, if he had seen Paine's book; and the witness answered, that he had not, but would be much obliged to him for the loan of it: That the pannel answered, that he had not the book, but that he might buy it; upon which the girl was sent out to buy it; and when she returned with the book, she said she had purchased it at Brash and Reid's. The witness does not remember the price, but gave the girl the money with her.

Being interrogated; If he would have read the book if this conversation had not taken place? he answered, that he would have read it if he had seen it. And being interrogated, If he would have purchased it? he said, he would not, if he could have borrowed it. When cross-examined, he deponed, That he never heard *Mr Muir* speak about the constitution.

JOHN BARCLAY

DEPONEE, That he is acquainted with the pannel: That he had conversed with him about Paine's Works, because he saw them advertised in the papers: That *Mr Muir* said he might buy it; but added, "It is not a book for us." That he was an elder of the parish of Calder, and that there was a dispute in the parish concerning the church, which brought him and the pannel together: That he some times conversed about the constitution; and that *Mr Muir* said it was a most excellent constitution; and that the parliament ought to be petitioned in the most humble and respectful manner.

When cross-examined, he said, he had called upon the pannel at Huntershill, and that he received a message from him, stating, that he did not wish to have any conversation with any person whom he supposed might be cited as a witness on his trial.

JAMES CAMPBELL, Writer to the Signet,

DEPONEE, That he was present at the meeting of Delegates from the Societies of Friends of the People in December last, in Lawrie's Room

at Edinburgh: That he saw the pannel there: That as he was going home from the Parliament House, he happened to call there, when Mr Muir came in, and read a paper, which was the Address of the United Irishmen to the Friends of the People in Scotland: That Colonel Dalrymple was against its being read, and the witness thinks he took a protest: That there was a debate upon the subject; and it was assigned, as a reason for not receiving it, that they had no connection with it, and it was not necessary: That the pannel thought there was no impropriety in receiving and answering it, and said, that he would be responsible for the reading of it: That a vote was put, and carried it should be read: That no vote was put by Mr Muir that it should be answered. The witness does not know how it came to the society: That a copy of it came afterwards to the witness, in a blank cover, along with other papers: That he cannot say, if the pannel approved or not of the paper. The question being put to the witness, if Mr Muir's speeches on the subject were not approving of the Address? answers, That he cannot say whether all his speeches contained an approbation or disapprobation of the paper alluded to, but had it depended upon him, he would have been for receiving it.

JAMES DENHOLM, Writer in Edinburgh.

DEPOSED, That he was at the Convention of Delegates which met at Edinburgh in December last: That Mr Muir read a paper there called the Irish Address: That objections were made to its being read, and he wished it to be read, because, he said, there was no harm in it: That Colonel Dalrymple protested against its being read: as also Mess. Bell and Fowler. Being asked the reason of opposing the reading of the address? answered, That possibly they thought it not legal. Being interrogate, how that paper came there? answered, That he saw it lying on the table, but does not recollect whether it was before or after it was read: That Mr Muir moved some kind of answer should be sent: Some might agree to this, but others dissented. The witness thinks it was carried that no answer should be sent.

Being cross-examined, he deposes, That he was in the Convention all the days that it met. He did not hear the pannel advise the people to any unconstitutional measures: That he heard of no other object of the Association but a Reform of Parliament: That he understood a Reform to be some alteration.

ROBERT FORSYTH, Advocate.

DEPOSED, That he was at the Convention of the Delegates of the Friends of the People who met in December last, and was present when the pannel read the Irish Address. He recollects, that there were some objections made to the reading of it: That some objected to the legality

of the paper; and that he objected to it upon the ground that it was not expedient to answer it: That there were some exceptionable passages: That in one place it said some thing about an inviolable Constitution being tyranny. And the witness thought they should have nothing to do with it; and at the same time he did not think it a seditious paper, but that it contained some expressions that were too strong: That Mr Muir defended the paper and proposed that it should lie on the table and be answered.

When cross-examined, he deponed, That he remembered the Convention coming to a resolution of adhering to the genuine principles of the Constitution: That the object of the Convention was to obtain a Reform in Parliament: That he was not present when a Resolution was entered into about sedition, and for expunging such members as behaved riotously: That the pannel proposed a suitable answer should be sent to the Irish Address: That he never heard him advise the people to sedition, tumult, or not; and never heard him make any speeches that had that tendency.

WILLIAM MUIR.

THE Rev. Mr Dunn having succeeded in removing the scruples of this witness, he returned into the Court, and deponed, that he was present at a meeting in the house of W. Wallace in Kirkintilloch with the pannel: That Henry Freeland and Wallace was there: That there was a copy of Paine's Works at this meeting, taken out of his great-coat pocket: That he does not know whether Mr Muir desired it to be taken out of his pocket: That he does not mind what was said about the book when it was taken out of his pocket: He knows that it is in Paine's book that the people's will is the sovereign will; but he cannot say that the pannel said so: That he got the loan of eleven numbers of the Patriot, and the Political Progress, from Mr Muir at Huntershill: the witness said he was in a reading Society, and Mr Muir bade him show the pamphlets to them: That he heard the pannel speak some thing about the inequality of the representation, and mentioned Old Sarum.

HENRY DAVIDSON, Sheriff Substitute of the county of Edinburgh.

This witness was called to prove the declaration which Mr Muir had made before the sheriff, and the papers that were found upon him when apprehended at Stranraer; but Mr Muir, in order to save time and trouble, agreed to them, under condition, however, that none of them should be used as evidence of criminality, as there was not a single article in the indictment alledging them to be of a culpable tendency. It is indeed stated, said Mr Muir, that these papers were found upon me, but it is no where set forth, that they were of a seditious tendency, and the concluding proposition of

the libel which recapitulates the whole of the criminal charge, passes these papers in silence. In proof of this, Mr Muir read the conclusion of the indictment, beginning with the words, "AT LEAST," times and places above mentioned," &c.

The Lord Advocate replied, that he was entitled to bring forward every circumstance which might tend to criminate the pannel, although these circumstances should be only collateral, and not in issue, nor necessary in the conclusion.

Mr Muir said, he would not take up any more time with this question, but observed, that there was one of the witnesses for the crown that the Lord Advocate had omitted, viz. William Rife, Esq. one of the Justices of the Peace for the county of Wigton.

The Lord Advocate answered, that he did not think it necessary to summon him.

Mr Muir was very sorry that he was not summoned, as he had some material questions to put to Mr Rife; but seeing his name in the list of witnesses for the crown, he had not cited him in excusation.

The clerk of the Court then proceeded to read the declarations, letters, &c. which are inserted in the Appendix.

Mr Muir said, that before the letters were read, he had an objection to state; though he believed he would, have to state it in vain, for however just any objection, made by him, might be, it was sure to be overruled. He was certain there was no paper found on him which he would wish to conceal; but there was nothing in the indictment charging criminality upon these papers.

Not a single word of criminality was furnished in the libel in the part that refers to these letters. He was, therefore, entitled to contend, that in point of general justice these papers ought not to be read; and that reading them in the court would be only disclosing the secrets of private persons for the purpose of indulging an idle curiosity.

The Lord Advocate disclaimed any intention of indulging an idle curiosity, but insisted that the papers should be read; and said, that the use he meant to make of them, was to prove that the pannel was conscious of his guilt; and he hoped that the jury would lay much stress upon them. The pannel had said, that he had been detained in France; that he put himself voluntarily upon his trial;—All which which were assertions which these papers would tend to disprove.

Mr Muir replied, that he would trifle no longer upon this subject. He was convinced of the reverse, of what the Lord Advocate had said, and would gladly join issue with him upon that point; That he was conscious of no guilt, and there was nothing in the papers which he wished to conceal on his own account.

The papers were then read.

The Counsel for the Crown having closed their proof, *Mr Muir* proceeded to adduce the following

EXCULPATORY EVIDENCE.

WILLIAM SKIRVING.

DEPOSED, That the reason of *Mr Muir's* going to London, was, that it was thought necessary for *Mr Muir* to attend a general meeting of the Friends of the People in London: That the general purport of the first letter he received from *Mr Muir*, was mentioning the reception he had met with in the society of the Friends of the People in London, of which *Mr Grey*, M. P. is a member: That the next letter from him, was explaining the cause of his journey to Paris: That he could not find the said letter, but that he would state the contents of it so far as he could recollect. The letter mentioned, that it was the opinion of some friends, that the event which was then dreaded to happen in France, would be of great detriment to the common cause; and it was supposed that if *Mr Muir* would go to Paris he might have some influence with the leading men there to save the French King. He received another letter from *Mr Muir* at Paris, which he published in the newspapers. Remember that *Mr Muir* said, he was ready to return when ever his presence might be thought necessary by his friends. The deponent also stated, that he was frequently in private companies with *Mr Muir*, and has often heard him speak in the societies: That he never heard him speak against the constitution, or advise turbulence or sedition; and never heard him say that there was any other way of obtaining a Reform, than by respectful petitions to Parliament: And the witness further deposes, That *Mr Muir*, even in the most unguarded moments of private conversation, never made use of any expression unfavourable to the Constitution of this country; nor never submitted to his consideration any plan of Government contrary to the real principles of the Constitution. The witness being required to give an account of the general tendency of the pannel's addresses to the people, answered. That the whole had a tendency to promote good order, and inculcated the necessity of beginning with a reformation of ourselves: That he was not connected with any society at home or abroad, for raising sedition; and never spoke against monarchical Govern-

ment. The deponent recollected a private conversation which he had with Mr Muir; in the course of which he asked Mr Muir's opinion of Paine's book: That Mr Muir disapproved of it very much; and he and the deponent both agreed that the principles upon which Mr Paine had written were impracticable. The deponent was happy to find that he and Mr Muir were of the same opinion on this subject, and he (the deponent) mentioned, that he had put his thoughts concerning Paine in writing, and that he had some intention of drawing them up in the form of lectures, and delivering them publicly against Paine: Mr Muir was highly pleased with the plan, and said that he would take 80 or 100 tickets from the deponent.

The deponent being asked by the Court, If he was not the person who designed himself *Secretary General* to the Friends of the People? he answered, That was a mistake in the petition which he had given in to the Court, it should have been *Secretary* to the *General Association* of the Friends of the People.

It being observed, that he was concerned with Mr F. Palmer in a seditious hand-bill, the witness stated, That he had received a summons to attend Mr Palmer's trial at Perth: That if it was intended to try him for that paper, he supposed the trial had fallen of course; but, however, the witness did not intend to plead that circumstance with a view of avoiding the trial; he would not flinch from it.

JAMES CAMPBELL, Writer to the Signet.

DEPONENT, That he had acted as agent for Mr Muir in the beginning of last winter: That he received two letters from the pannel while in France, and that he had brought these letters with him; he was desired by the pannel to read them; upon which the witness handed them to the clerk of the court by whom they were read, and another letter, subscribed James M^rIntosh London, which was also read; And the witness being interrogated by the court what Mr M^rIntosh it was from whom he had received this letter, the pannel answered that he was the author of the *Vindica Gallica*. The letters from Mr Muir were then read: these letters stated the difficulty of obtaining passports, owing to hostilities having commenced between this country and France; and at the same time expressed Mr Muir's willingness to come home, although he was sorry to leave Paris, because he would be obliged to part with many amiable characters who had honoured him with their friendship. The witness also deponed, That he never heard him, in public or in private speak unconstitutionally, but that he always exhorted to pursue orderly, peaceable, and legal measures, and to attend to the moral characters of those they admitted as members into their societies: And he had heard him say that Paine's book was dangerous for weak minded persons.

JOHN BUCHANNAN, Baker Cannongate,

DEPONES, That the general tenor of Mr Muir's speeches in the societies was for promoting a reform in parliament. Had heard him recommend morals, peace, and good order; That all their application should be directed in a constitutional manner: That the constitution should be to them as the Polar Star: That if he wanted to reform, he should erect the Temple of morality: That the pannel had more sense than to think of procuring a redress of grievances by any other than constitutional measures. The witness never heard the pannel recommend any pamphlets, nor never heard him express any opinion about Paine, but he always wished the people to inform their minds.

CAPTAIN W. JOHNSTON, Edinburgh.

DEPONES, That he never heard the pannel harangue the people to excite sedition: That he had heard him speak in several public meetings, and though he could not condescend upon particular expressions, he could recollect the general tenor of his speeches, which was for firmly supporting the constitution: That all his other principles grew out of this one: That he never recommended riotous conduct; but, on the contrary, sobriety, and petitioning Parliament. It did not consist with the knowledge of the witness, that the pannel circulated any pamphlets: That he received one or two letters from him when in France, but could not find them: That they were written upon general subjects, and expressed his intention of returning soon to this country.

MAURICE THOMSON, Starchmaker Edinburgh,

DEPONES, That he was a very short time in the Society of the Friends of the People in the West Port: That he has heard the pannel speak there, but cannot recollect particulars: That he spoke about a reform in parliament, and being moderate and constitutional.

CHARLES SALTER, Brewer Edinburgh,

DEPONES, That he was present three or four times in Societies with the pannel: That he always heard him telling the people to follow constitutional measures; and *that if ever they did any thing unconstitutional, he would be the first man to oppose them.*

PETER WOOD, Teacher in Edinburgh,

DEPONES, That he has heard the pannel speak in societies: That the general tendency of his addresses to the Friends of the People, was ex-

horting them to support the constitution, and to petition parliament: That he never heard him speak against the King or the House of Lords: That he has heard the pannel say, no member should be admitted that would excite tumult.

DAVID DALE, jun. Merchant, Glasgow.

DEPONES, That he has been present with the pannel at meetings of the Friends of the People in Glasgow: That he recollected a motion being made, for recommending political books, which the pannel opposed, and said, that no political books should be recommended: the reason that he assigned was, that most of the political books partook too much of party spirit: That little truth was to be got from them; and that knowledge could only be obtained by general reading: He would therefore recommend no particular books, but advised the people to inform themselves on both sides of the question; and added, that it was only by calm and constitutional measures that they could gain their ends: That he never heard him say thing tending to sedition; but said, their only object was to petition Parliament: That he never knew of the pannel circulating books; and does not recollect of him ever recommending Paine: That he advised to expel any member who might be disorderly, and said, that he would absent himself if unconstitutional measures were adopted.

Mr Muir asked him, if ever he heard him speak against the constitution? the witness said, "will you be pleased, Mr Muir, to explain, what you mean by the constitution, and then I shall be able to answer the question?" Mr Muir then said, "did you ever heard me say any thing against the King, Lords, and Commons?" *Witness,* "I never did."

Being questioned by the Lord Advocate, if he recollected of hearing of the pannel being taken up this last time, he said, he did not remember the exact time, but remembered about him having been taken up some time ago, could not recollect how long, it might be about five or six months ago.

Lord Advocate, "you have a very short memory Mr Dale?" *Witness,* "I have a very short memory my Lord."

WILLIAM RIDDEL, Barber in Glasgow.

DEPONES, That he has been present at several meetings at Glasgow, with Mr Muir: That he never heard him recommend any books or pamphlets: That he heard him advise the people to peace and good or-

der, and not to admit immoral characters among them : That the meetings were frequently numerous ; but the witnesses never saw any disorder in them,

WILLIAM REID, Bookseller in Glasgow.

DEPONES, That having an accidental conversation with Mr Muir, he questioned him respecting the propriety of selling Paine's Rights of Man : Mr Muir dissuaded him from selling it, and said, " it was an improper book, and dangerous to weak minds." He then questioned Mr Reid, if ever he heard him say any thing about the constitution of this country ? Mr Reid replied, " he never did"—Being questioned by the Court respecting the time when he had this accidental conversation with him, he said, he could not remember the particular month or day, being asked, if he could remember any circumstances that might lead to a recollection of the time he had said conversation with him, he replied some days before Sheriff Honeyman came to Glasgow and enquired respecting these matters.

GEORGE WADDEL, Manufacturer in Glasgow.

Remembers being at a meeting of the Friends of the People, where a motion was made recommending books. Depones, That Mr Muir and Colonel M'Leod were against that motion, and said that every political book contained something good and something bad : That he never heard the pannel recommend any books, except Blackstone's Commentaries and Erskine's Institutes : That he continually advised moderate measures : and said he would glory in having the table of the House of Commons covered with petitions : That it was proposed by some members to address the French Convention on the success of the Revolution, but that Mr Muir opposed it.

JOHN RUSSEL, Merchant in Glasgow.

Sworn, and the usual question being put, " If any person had instructed him what to say?" he hesitated, and said, that he had been told by several persons to speak the truth. Being asked, When and from whom he had receiving such instructions ? he said, that he only got instructions in general to tell the truth, and did not recollect from whom, nor could he tell when. He was desired to produce his summons ; and it appearing that he was summoned only four days before his coming to be examined. He was told, that he could not possibly have forgot who spoke to him on the subject of this trial, as it could not be known he was to be a witness till he was summoned ; but as he still said he could not recollect any person, he was desired to withdraw.—When

The Lord Advocate moved, That he should be committed to prison for prevarication.

Mr Muir attempted to speak in support of this witness, but he was informed by the Court, that he had no right to interfere in the matter.

The Court then ordered John Ruffel to be committed prisoner to the Tolbooth of Edinburgh, *as guilty of concealing the truth upon oath*—therein to be detained for three weeks.

JOHN BROCK, Manufacturer in Glasgow.

DEPONES, that he was at one meeting at the Star Inn in Glasgow, recollects Mr Muir recommending good order, and to adhere to the constitution; and that *the moment they became seditious he would leave them*: That the pannel spoke of books of the law, and of adhering to the law.

WILLIAM CLYDESDALE, Cabinet-maker in Glasgow.

DEPONES, That he never was a member of the Friends of the People; That he remembered Mr Muir at a society of Borough Reform in December last, of which the witness was a member: That Mr Muir made a speech to them, and said that the burgesses had made great exertions, and advised them to pursue legal and constitutional measures: That he remembers him saying, that there might be something in Paine's book, which might be good in the sight of some men, but that for his part he thought his system was impracticable: That he reprobated the idea of equality, and said that the division of property was chimerical, and could never take place.

GEORGE BELL, Clerk to Mess. Pattison and Co. Glasgow.

DEPONES, That he has heard Mr Muir speak in a Society of the Friends of the People: That he said, he would admit nobody into the society but such as were for King, Lords, and Commons: That he recommended no books, but such as gave moral instruction: Inculcated sobriety, and tended to make men good members of society.

DANIEL M'ARTHUR, one of the Masters of the Grammar School of Glasgow.

DEPONES, That he remembers conversing with Mr Muir in a Coffee-room in Glasgow, in September or October last: That he saw him in company with another gentleman: That after Mr Muir parted from that gentleman, he came up to the witness, and said, that the gentleman whom he had left, was the Chairman of the Society of the Friends of

the People of Edinburgh. The witness asked him, if he did not think this an improper time for seeking a Reformation in Parliament, seeing what had happened in France : That he answered, this was the most proper time ; as the country was now at peace, and that our object was quite different from that of the French : That they had brought about a Revolution, but that we wanted only a moderate Reform.

JAMES M'GIBBON, Kincaid Bleachfield,

DEPONES, That he was a member of the Reform Society of Campsie : That he has seen the pannel there, but he never heard him recommend books, or heard him speak against King, Lords, or Commons.

ROBERT HENRIE, Kincaid Printfield,

DEPONES, That he was a member of the Reform Society in Campsie : That the pannel came into that Society : That the witness was present during the whole time that he was there ; but was not with him in private company ; and that he did not hear him speak unconstitutional, but heard him recommend peaceable and orderly measures.

The Lord Advocate said, it was unnecessary for the pannel to bring so many witnesses to prove the same thing.

Mr Muir replied, that he intended to bring witnesses from every part of the country where he had attended societies for reform, that he might clearly prove his innocency ; that he had only a few more witnesses to adduce, and then he would close his evidence.

WILLIAM ORR, Manufacturer, Paisley,

DEPONES, That he remembers having accompanied the pannel and Colonel Dalrymple, to different societies of the Friends of the People at Paisley : That the pannel, in his speeches, inculcated a strong, firm, and inviolable attachment to the constitution : That he likewise recommended peace, good order, and good morals, and to avoid tumult or sedition : That he advised the people to be steadfast to the Constitution, and to endeavour to obtain their object by every legal and constitutional mean. The witness never saw him but that night : That after going through the societies with him and Colonel Dalrymple, they went to Sinclair's Inn, Paisley : That the pannel said, the Constitution consisted in King, Lords, and Commons, and that the King was the best of Princes.

JAMES CRAIG, Manufacturer in Paisley;

DEPONES, That he saw the pannel in a society at Paisley, and heard him say, the constitution was a good one, and that the King was the friend and father of the people.

JAMES RICHARDSON, Merchant in Glasgow,

DEPONES, That he is a member of the association of the Friends of the People in London; of which Mr Grey, M. P. is a member: That he has been present in company with Mr Muir, at meetings of the Friends of the People at Glasgow: That the pannel exhorted them to keep by the constitution, and that if any person spoke against it, he should be expelled: That he exposed the idea of liberty and equality, as implying a division of property, in a very masterly manner; and said, that it could not be put in practice, and he always advised the people to persevere in constitutional measures.

After this witness was examined, Mr Muir declared that he closed the evidence:

The LORD ADVOCATE then addressed the JURY as follows:

Gentlemen,

I NOW require your most serious consideration, of what has passed. The pannel at the bar, is the man, as I shall afterwards shew you, that has been sowing the seeds of discontent and sedition, under the specious pretext of reform: He has appeared here before you, after having been fugitated in this country, and now, by your verdict, from which there is no appeal, either his guilt must be fixed or extinguished: This is the moment which I have long anxiously looked for, and I declare, that in the range of my official capacity, among the persons whom I have brought to this bar, if there has been any one whose actions particularly pointed him out for prosecution, whose conduct appeared the most criminal, who has betrayed the greatest appearance of guilt, this is the man.

We all know the pernicious effects of the many instances of seditious writings and practices, which have lately appeared in this country; and all of those persons who have had the courage to come and stand a trial at this bar, have met with the same fate—they have all been found guilty.—And I trust, that as the evidence has clearly unfolded the dia-

bolical and mischievous conduct of this person, that he will receive a similar verdict.

Could I have conceived that man, who has received a liberal education, who has practised as an advocate at this bar, should be found on every occasion, among ignorant villagers, and low manufacturers, purposely to sow sedition among them.

The charge exhibited against the pannel, divides itself into three distinct heads; which, however, all center in one general charge of exciting sedition.

First, that he circulated Paine's Rights of Man, to speak of which, I think unnecessary, after he himself considered this book as dangerous to weak minds, yet has he wilfully circulated this book in such a manner, as proves, that his intention was to overturn our happy constitution.

Secondly, He has been always found making seditious speeches and harangues, among *knobs* of ignorant labourers, and *berds* of poor manufacturers, whom I am entitled to say, had it not been for him, would have remained peaceable and contented, and never thought of that incendiary Paine, nor of forming meetings, till he, like the *Demon of Sedition*, stirred them up by forming clubs, the very attempt was the same, which in another country, has produced so much anarchy and confusion; and which, no government could allow.

Thirdly, He was in a meeting, calling themselves a Convention of Delegates, for obtaining a parliamentary reform. Gentlemen, we all remember the transactions of last winter, it was then that sedition raised its hydra head, which the spirit of this country crushed, and since that day, has held in utter detestation: It was then, that good men felt and trembled, and though some late circumstances may have given cause to suspect that discord, is still endeavoured to be excited; I have not a doubt, that you will, by your verdict this day, show, that you still entertain the same abhorrence of those practices. There, in that Convention, I shall call it by no other name, he, almost alone, was found the supporter and defender of a paper, which came from a society styling themselves United Irishmen, a paper penned by some infamous wretches, who have, like himself, fled from the punishment that awaited them; and which, even in that Convention, was considered as dangerous; yet this person was the ringleader, who insisted that it should be received and answered.

But these three heads resolve all into one charge, that of exciting discontent, nay, almost rebellion against the Government, that most dangerous kind of sedition, which, according to Judge Blackstone, is next to High Treason.

In one thing, I agree with the person at the bar, that this trial is of consequence to posterity: I grant that it is, but whether, as it strikes him, you are this day to judge. It has been my wish to obtain, in this case, the verdict of such a respectable jury, as I now see. Gentlemen,

you are to determine, if sedition be a crime of such a horrid nature as I represent it, I bring forward the arm of power to crush it ; and which, will be either invigorated or palsied by the verdict which you are to give. You will consider the conduct of the pannel, and then say, whether it is such a conduct, as in your minds ought to be passed over.

Gentlemen, the charge is of three kinds, and the witnesses are also of three kinds ; and if ever there was a respectable set of witnesses, whose evidence stands on the basis of truth, they are to be seen here ; and in place of being contradicted by his evidence, they are completely corroborated by them.

Now, gentlemen, as to the charge of seditious speeches, we find him in different parts of the country exciting among the people a spirit of disaffection to the lawful Government. There has been recommending books to enlighten their minds, a measure in which, however, he has been very unsuccessful, if we may take Weddel, the learned vice president of the Kirkintilloch society, as an example of its effects.

The evidence I chiefly rest upon here is Johnstone, and no evidence can be more distinct, and clear. He and Freeland both agree, that the pannel spoke of the success of the French arms. What could be his motive for discoursing on this subject to such low, ignorant, and illiterate people ? Why talk to them of the burden of taxes, if he did not mean to light up the flame of discontent in the country ? Gentlemen, we may hope to live to see those burdens lightened ; but you will not allow that person to proceed in his mode of doing it. The lessening of taxes, and payment of the national debt, are subjects which always engage the attention of the lower ranks of men, and you will judge of the propriety of harranguing them on such popular topics. He told them that if they were more equally represented, they would not be so heavily taxed, and that the burthen of taxes prevented them from bringing their goods to market upon equal terms with the people of France. Could any measure be devised more calculated to produce discontent and sedition than this ? Had such societies existed before he came among them, the case would have been somewhat different, but he appears every where the ringleader ; we find him with them on the Tuesday preceding the meeting and conversing about it—he comes to the meeting, harrangues them, and then adjourns with a select party to Wallace's. Can you desire any farther proof of his being the main instrument and promoter of those dangerous meetings than this clear, convincing, and connect evidenced ?

The circulating seditious books is the next charge I shall speak to, the passages selected from them, you will see in the indictment. Though Freeland is again an evidence, here I must observe to you, that it appears extremely doubtful whether he told all that he knew. You might have seen by his face that he prevaricated, and when closely questioned, the sweat broke upon him. He says, that he got Paine's book out of Muir's pocket. This is a mode of circulating a book, which a man of his dis-

position, would very naturally adopt. He did not go about this business openly but privately, you will judge of him, when you have compared his actions with his professions. Indeed every evidence goes to prove that this wretch is tainted with sedition from head to foot, and more unworthy of the protection of the law than the meanest felon.

The next witness I shall speak of is Anne Fisher; and though the pannel, by an expression which he made use of, has endeavoured to prejudice you against her, I dare say, Gentlemen, you will agree with me, that her evidence is correct, well founded, stands on the basis of truth, and is corroborated by the evidence of others. She was repeatedly sent to purchase Paine's book, and mentions the persons for whom she bought it: she was sent from her master's house, the pannel's father, who, I am informed, is a respectable citizen; but I do not mean to attach any criminality to him, that person at the bar has the miserable reflection of having himself embittered the lives of his unfortunate parents. There, in his father's shop, did he harangue all the poor ignorant country people, and persuaded them to lay out their miserable sixpence to purchase the Rights of Man. There was he always found in the backshop reading seditious publications. In that den of sedition he sat like a spider spinning his filthy web to entrap the unwary. The witness names the persons for whom she purchased Paine's book: One of the persons she condescends upon is the uncle of that unfortunate wretch at the bar; but I declined bringing the uncle as an evidence against the nephew.

Wilson likewise corroborates the evidence of Anne Fisher, when he deposes, that he was advised to keep a copy of Paine's book in his shop, because it would enlighten his customers; for that it confused Mr Burke entirely. What! he confuse Mr Burke; a man, whose wonderful talents, astonishing genius, and sublime efforts! have lately been so nobly exerted in the defence of our glorious Constitution!—Now, Gentlemen, you have only to read the passages quoted from that book in the indictment, and if you are loyal to your King, if you love your Country, and are desirous to preserve it, you will return a verdict against this man, who has dared to recommend that wretched outcast and his writings—works which I never read till my official situation obliged me to it. But I need not tell you my opinion of this book, since the whole country holds it in detestation.

[Here the Lord Advocate read some passages from the indictment.]

Now, Gentlemen, when he approves of sentiments such as these, what signifies all his evidence of attachment to the King and Constitution? We are told, indeed, by one of his witnesses, that he advised him not to sell Paine's book; but when closely questioned upon his cross examination, it unfortunately turns out, that this was from a sense of danger, not from his real sentiments. It happened, you will remember,

Gentlemen, about the time that Sheriff Honeyman came to enquire about this book.

It appears from the evidence of Fisher, that the poor organist could not pass the door of this demon of mischief, but he must be stopped to play *Ca Ira*. A tune which is made use of in that unhappy country France, as a signal for blood and carnage. It may be said, that the evidence of this girl is somewhat contradicted by that of the pannel's friend old Barclay, the elder; but you will recollect the salvo * that this witness chused to introduce when he took the oath—that did not look well.

I am now arrived at the third charge of the indictment, which relates to the pannel's proceedings in that Convention of Delegates, as they stiled themselves. It is clearly proved, that in that place he read, approved of, and defended the Irish Address. But you will not approve of such a paper, nor disregard such a convincing proof of his guilt; nor will you, were his abilities ever so great, or his views ever so comprehensive, permit that person to set up his daring and seditious opinions in opposition to the excellent Government of this country. Indeed, his actions, in some instances, appear tinged with madness; and were it not that we find him every where a determined enemy, and ringleader in a horrid scheme of sedition against our happy Constitution, it would be impossible to tell whether his conduct was marked more with wickedness or insanity.

Having finished my remarks upon the evidence, an evidence which I am convinced must appear to you incontrovertible, there remains only two topics on which I must beg to make a few observations.

The Pannel has said that he left this country on business of importance, that he was unwillingly detained in France, and that he always wished to come forward to this trial: But we shall soon see how all this corresponds with facts. I should have made no objection to his proving this; It would have argued some degree of honour. But these false assertions are all clearly refuted. And I will make it appear, that he fled from this country, under the conscious impression of guilt: And now he is returned to be again the *Pest of Scotland*, with the same diabolical intentions as before.

But what was the reason of his going to France? I was never more surprised at any thing, than at the evidence of Skirving, when he told us that the Pannel was sent to France, by persons stiling themselves the Friends of the People, because it was believed that he might have influence in saving the life of the King of France. Did the witness know? Did he recollect that he was at that time accusing the Pannel of High Treason. But why were these people so much interested in averting this event! The witness has informed us, it was thought such an event would hurt their common cause. What cause? The design of overthrowing the

* When Mr Barclay made oath, he added to the clause, "to tell the truth so far as you knew"—these words, "and can recollect."

Government of this country : There, then he stands an ambassador from a society in this country to France, a circumstance which greatly heightens his guilt.

I had postponed this trial much longer than I ought to have done, because I was willing to give the Pannel every opportunity of returning, and I inserted the adjournment in the public papers, in the expectation that it might perhaps find him, while roaming through the world.

Observe the ship master's receipt, it is dated the 16th of May. What became of him all the time from that date, till the 31st of July, when he was apprehended ? nobody was informed of his intention of returning, how unlucky that not one solitary letter was wasted by the winds, or impelled by the waves to his friends here, and inserted in the EDINBURGH GAZETTEER, or CALEDONIAN CHRONICLE, to give notice of what he says, was his earnest wish, but the very reverse of this was the case. By his father's letter, we find him in Ireland, and who knows how he was employed there, there have been insurrections in that country, and we know nothing of him all this time, except what may be discovered from the diploma of the respectable society of United Irishmen.

But you may know a man by the company he keeps. Among his papers there is a letter addressed to the Rev. T. Fylhe Palmer ; a man who in a few days is to be tried at Perth. Here the seal too is remarkable ; It is a *Cap of Liberty* on a spear, and under it is the motto, CA IRA. Now, gentlemen, you see the pannel returns to this country with all the insignia of sedition about him.

Gentlemen, I beg your attention to the passage which I shall read to you, from a celebrated French author,—we will see what was his opinion of the British Constitution.

[The Lord Advocate read a very long quotation from *De Lolme*, on the English Constitution, from the middle of page 534 to the end of the book.]

Gentlemen, you have heard what a foreigner has said of our Constitution, and you must be sensible how carefully we ought to preserve it. I trust, you will view this case in the same light as I do, you will protect your King from the attacks of his enemies, and you will guard this temple of freedom from all the attempts of the factious, and you will not allow it to be violated by that person at the bar ; but you may now, Gentlemen, prevent his attempts in future ; and I conjure you to do justice to your country and honour to yourselves, by returning such a verdict as shall stop that man in his wicked career, who had been sowing sedition in every corner with so liberal a hand.

Upon which Mr. Myra rose, and said,

Gentlemen of the Jury,

I now rise in my own defence. I have long looked forward with joyful expectation to this day. All that malice could devise, all that flag-

der could circulate, has been directed against me. I speak with pride and triumph:—After an inquisition perhaps unexampled in the history of this country, my private character stands secure and unimpeached. Upon my public conduct, I regard it with scorn, and in silence. With the paid and anonymous assassins of public reputation,—with such mean and worthless adversaries I disdain to enter the lists. I reserved my vindication to this day, when before you, in the face of Scotland, I should manifest my innocency. I shall not imitate the conduct of the public prosecutor? Sounding and unsubstantial declamation is unsuitable for you, and unworthy of me. I supplicate no favour. I demand justice: You are bound to grant it. The record of this trial will pass down to other times. The impartial verdict of posterity will re-judge your decision. But what is that? In those awful moments, when human passions cease to operate; when the rage of faction and of party subside; when the power of recollection assumes its influence—conscience, attended with approbation or remorse, will pronounce whether you have done right or wrong in my acquittal or condemnation.

There are two circumstances which have been strongly insisted upon by the public prosecutor, though they have little or no connection with the general nature of the evidence he has adduced. I shall take some notice of these circumstances here, before I enter into a particular vindication of my conduct. Long, indeed, has he harangued upon them, and has exhibited them in every form his imagination could suggest. He maintains, that after I had been examined by a magistrate, after an information had been filed against me, I fled from this country, conscious of guilt! I admit the fact of my departure? But in these days, in these circumstances, can it be ascribed only to conscious guilt? When the whole strength of arbitrary power is exerted against one individual, would it be commendable in him to expose himself as a sacrifice, when his sufferings might be of no service to his country, and which would only present posterity with an addition to the vast catalogue of the victims of despotism? If there are only two motives to which you can assign my departure, you are bound in justice to ascribe it to the most charitable. But, do the circumstances attending my departure, bear any resemblance to a flight? Did I not publicly announce it the preceding evening in a numerous meeting of citizens? Did I not cause it to be published in a newspaper? Did I affect the garb of concealment? When in London, did I remain in obscurity? Did I not appear in a distinguished Society,—the Society of the Friends of the People? And did not that Society afterwards publish a resolution, announcing in its preamble my appearance among them?

But why did I go immediately afterwards to France? In Mr Skirving's evidence, respecting a letter he received from me before I left London, he has said that I proposed to go to Paris, as it was the advice of some Friends, and might be of some service in mitigating the late of the late King of France. The words of Mr Skirving, "*some Friends*," have

been *ingenuously* represented to be members of that truly respectable society; and it is boldly argued, that, I went to France as a missionary from that body. Nothing can be more injurious: I am sorry that Mr Skirving has not been able to produce the letter alluded to; it would have clearly demonstrated the falshood of this assertion. But Mr Skirving never said so! No person can, or dare to say, that I went as a missionary to a foreign power, or even received any delegation, either from individuals, or from any society whatsoever. Building, then, upon this unsubstantial basis of words, never uttered in evidence by Mr Skirving, I am accused of a species of high treason, in being a missionary to a foreign Power, without any legal authority from this country. The charge is equally ridiculous with the misrepresentation on which it is founded. Let it, however, be considered as serious, I *dare* the proof. I challenge the prosecutor to adduce the smallest vestige of evidence in support of it.

I wrote to Mr Skirving my intention of going to France; nor will I deny the motive. I saw in the execution of the late king a specious pretext for plunging the country into a war, and for extending the effusion of human blood to every corner of the world! I may have erred: I may have acted from enthusiasm; but it was enthusiasm in the cause of Man. If, at the period when it was free for every person to publish their sentiments, upon that awful occasion, is it to be imputed to me as a crime, that I wished likewise to publish mine? Has not the prosecutor lamented that disastrous event? And will he not excuse a man who wanted to prevent it? Who, with many friends to humanity, of every nation, and of every party, in private and public, in conversation, and from the press, exerted their abilities to ward off an event, which they considered pregnant with evil to this country, and which they foresaw was to introduce years of blood and of sorrow!

If it be said my departure from Scotland, and my journey to Paris, are circumstances, which, at first sight, afforded some presumption of guilt, that presumption is now done away. — *I have returned.*

It has been the boast of the public prosecutor, that he delayed the trial, to give me an opportunity of returning; that he postponed it for some weeks, and advertised it in the public papers, which he supposed would find me roaming in some part of the world. But was he ignorant that hostilities were at *that time* commencing, and that it was tedious and difficult to procure passports. — Of that difficulty surely every person here is convinced.

All my private letters, which have this day been read, prove my uneasiness on account of delay, and my anxiety to return. But before I procured my passport, hostilities had commenced between this country and France. The flames of war were blazing over Europe. There were only two ways I knew of by which I could return home. The first by the way of Hamburg; the second by the longer, but more certain en-

suit of America. The latter course appeared more safe, and less liable to interruption.—I therefore adopted it; I left Paris. I arrived at Havre-de-Grace, and found a vessel there bound for New York. The receipt from the master of that vessel, for the payment of my passage, which was found in my pocket-book, when I was stopped upon my landing in Scotland, proves that I had actually taken my passage. This vessel, however, was detained almost three months by taking on board her cargo, and by an embargo which was at that time laid on all neutral vessels in the ports of France. In the interval, another American vessel, the *Hope* of Baltimore, arrived, which was to touch at Belfast for a part of her cargo, before she returned to America. This appeared to me a fortunate circumstance, and I immediately adopted the plan of returning to Scotland, by the way of Ireland;—not to supplicate favour;—not to implore protection, *But to demand Justice.*

It is to be observed, that I had no passport from France to any part of Britain, my passport was to America. I was, therefore, in imminent danger, if discovered on board of this ship, but I was anxious to return, and I braved every danger.

After a short passage I was landed in Ireland, but I remained there only nine days. I did not conceal my name, I appeared in all the places of public resort; to all I announced my situation and intentions. The circumstance of the indorsement of my passport by the Municipal Officers of Havre-de-Grace, has, either from ignorance or design, been grossly misrepresented by the Lord Advocate. The department of Paris granted me a passport in the end of April, and I arrived at Havre, on the 3d or 4th of May. The first step which a stranger is obliged to take upon arriving at the place of his destination in France, is to proceed to the Municipality, to shew them his passport, to have it revised, and attested by them, in order that he may enjoy security within their jurisdiction.

The indorsement of my Parisian passport by the Municipal Officers of Havre-de-Grace, is therefore of the 3d or 4th of May last. From this the prosecutor infers, that I must immediately have found a vessel to carry me to Ireland. He makes no allowance for the state of this country and France; he makes no allowance for the difficulties which neutral vessels have in passing between both; and he knows nothing of the embargoes to which they are always liable in the ports of different Belligerent Powers. Well, then, according to his calculation, I must have landed in Ireland some time in the month of May. But it is said there have been insurrections in that country; and the prosecutor insinuates, that the *Demon of Sedition*, as he calls me, was probably the cause of these insurrections. I smile at the ridiculous accusation. It might have been easy for me, by the testimony of my friends in Ireland, whom I love, and whom I honour, to have proved how I spent every hour of my time. I could have made it appear that I associated with a few friends, who were at that period chiefly engaged in literary pursuits. It has been said, why did not I

wrote from Ireland? The reason was, I had heard that letters were sometimes opened at the Post-office, and was not desirous of being apprehended in a strange country, and sent prisoner here, when my wish was to come fairly forward to stand my trial at this bar. But I shall not dwell longer upon this malignant insinuation; With regard to it, you, Gentlemen of the Jury, must have experienced the same emotions, and at present indulge feelings similar to mine.

The prosecutor has said I came from Ireland to Scotland in a private and clandestine manner, and (his composition) the indictment, contains the same injurious assertion:

I am extremely sorry that the respectable Magistrate, Mr. Ross at Stranraer, is not here. In the list of witnesses adduced against me I saw his name, and the name of Carmichael, the person who first recognized me on my landing at Port Patrick. The Lord Advocate charges me with coming into Scotland in a clandestine manner. He serves upon me in the list of witnesses, the only persons who could prove or disprove the fact, Carmichael the custom house-officer, and Mr. Ross, the Magistrate to whom I surrendered: I expected to have found them both inclosed with the witnesses for the Crown. I would have adduced them to prove, that so far from concealing myself, I announced myself publicly, and without disguise; so far from attempting evasion, I put myself into the hands of the law, and under the protection of its Magistrates. But the conduct of the public prosecutor is uniformly marked with dissimulation. When he served upon me, in the list of the witnesses for the Crown, the names of Carmichael and Ross, I could not entertain the least possible doubt, but that they were to be adduced. This was an art to prevent my citing them at my own instance: It has succeeded, and I am precluded from the benefit of their testimony. But why did not the prosecutor, at least produce the Declaration which I made before the Magistrate at Stranraer? That declaration, freely and voluntarily emitted, would have proved that I did not come into this country in a clandestine manner. Much invective has been founded upon my coming into Scotland in a clandestine manner; and this circumstance is charged in the indictment as an aggravation of the crime, Judge then, gentlemen, of the rectitude of the prosecutor's conduct when he declaims upon a fact which he shrinks from proving, and which his artful contrivance prevents me from refuting.

Gentlemen, you are, now I trust, convinced that no consciousness of guilt led me from Scotland, no improper motive carried me from England to France; and no deep and secret intention induced me to return in disguise to my country. The object of that return was to demand justice, to wipe away the imputation of that crime of which I now stand charged. And what then is the crime of which I am accused? It is: *Sedition*, A term the most vague and undefined, a term familiar to power, familiar to corruption. A term which has been applied in one age, to men rejected by society, whose names were honoured by after times, and upon whose virtues and sufferings, in the succeeding age, the pillar of the constitution

was erected. The records of history, the monuments of former ages, the annals of the present period, all attest that this crime of sedition is of the most ambiguous complexion. All who have dared to oppose *Arbitrary Power*, who have ventured to stem the tide of corruption, or to come forward in the hour of danger and to save their country, have been branded with this epithet. The term is no longer injurious. Experience will make you to connect along with it no prejudices. You will scrutinize the idea; you will investigate the facts combined with the intention. And let us proceed to that investigation. I am accused of sedition; but where in this country has sedition existed? This is not the hour to temporize. The eyes of the country are upon you. The oath of God is binding. Tell me where the smallest vestige of sedition has appeared. Has property been invaded? Has murder walked your streets? Has the blood of the citizens flowed? O no! But it is said, although the effects of sedition have not taken place, the attempt was meditated.

The prosecutor has talked of the danger the people of this country were in last winter; of the deep laid plots and tremendous conspiracies of the Friends of the People! and I am the man whom he charges as the Author of the whole, whom he represents as similar in malignity to the *Dæmon of Mischief*! and whom he honours with the title of the *Pest of Scotland*! Well, then, let it be supposed that an attempt was formed to overthrow the Constitution, to kindle the torch of Civil war, and to lead rapine along the land. Where has the proof of this design been found?

Every thing has been explored. An inquisition, unknown even in Spain, has been carried on. Every thing transacted within the walls of private families has been industriously enquired into. And to prove this mighty crime, which is to convulse the state, which is to tear the Constitution from its basis, the principal evidence adduced is, the true and respectable testimony of a scullion girl, and of a hairdresser—that testimony not extending to actions but to words. I have addressed numerous societies. The doors were open. We disdained concealment, for our intentions were pure. Could not some ruffian be procured who could at least give a manly testimony to our atrocious purposes; but to adduce a girl and a hairdresser, the domestics of private family, to prove a crime which required the co-operation of many thousands of bearded men, while it excites the frown, must likewise call forth the smile of contempt from the just and the impartial. But let us be candid—Let us advance upon fair and open ground. Let us throw away miserable pretexts. If standing forward for an *Equal Representation of the People* in the House of the People, is the impelling motive of my prosecution (and I judge it is) let it be acknowledged. I shall give little trouble. I shall plead guilty to the charge. I will save you who are upon the jury the wretched mockery of condemning a man for a trifle, while the principal cause of condemnation cannot be declared, and must be concealed.

Yes, I plead guilty. I openly, actively, and sincerely, embarked in the cause of a Parliamentary Reform, in the vindication and in the restoration of the Rights of the People. Nor do I blush to unfold to you my motives; they are supported by their own intrinsic strength, and they are sanctioned by the great and venerable names of the living and of the dead. I have boldly contended for an Equal Representation of the People, in what I shall ever call the House of the People, because I consider it to be a measure essentially necessary to the salvation of the state, and to the stability of your boasted Constitution. In what then consists the excellency of that time-tried fabric, cemented by the blood of your fathers, flowing from the field and from the scaffold. I will tell you: It consists in the just balance of the three impelling powers, of King, Lords, and Commons. If one of those powers lose its vigour, the efficacy of the Constitution is proportionably impaired. If one of those is absorbed by another, the Constitution is annihilated. Is it not known to you, and acknowledged by all the world, that the popular branch of our Constitution has suffered the ravages of time and of corruption? The fact is indisputable. The Representation of the People is not what it once was, and is not such, as I trust in God, one day it shall be. No enmity to his Country, can be said to influence the conduct of that man, who sounds alarm when the Constitution is in danger; who summons all who may be concerned in its reparation, and labours to preserve it, by endeavouring to restore it to its original purity. Such are the motives which have influenced my conduct. If you find me guilty, you implicate in my condemnation men who now enjoy the repose of eternity, and to whose memories a grateful posterity have erected statues. I have been doing what has been done by the first characters of the nation. I shall not, at this time, repeat all the venerable catalogue. But, is any one ignorant of the illustrious Locke, whose Treatise on Government is written in the irresistible language of reason and of truth, who supported by philosophy the cause of Liberty and of Man. Was not he the friend of the British Constitution? Yet he was an advocate for a Reform of Parliament, for a more Equal Representation of the People in the House of Commons. Will you, therefore, tear the records of *his* fame, will you stigmatize *his* memory, and brand *him* with the name of Sedition?

Let us rapidly proceed down to more modern times. Let us pass over in silence many illustrious names, whose memories and that of the Constitution, will perish together. Let us come to our own days. Are you ignorant of Blackstone;—the man who first collected the laws of his country, from the deformed chaos into which they had been thrown, who arranged them with elegance, and who adorned them with every flower which the classic field could produce? Are not the volumes of this reverend judge in the hands of all? Should they not be familiar, at least to those who are called to decide concerning the Constitution? And

has not Blackstone, not with the levity of ill-pondered words, not in the private hour of relaxation, not in the heat of popular debate, but in the calmness and solitude of study, maintained the same propositions which I maintain, been guilty of the same sedition of which I am guilty, when he pronounced that the Constitution was imperfect, in its popular branch, and if any where ALTERATION was necessary, it was there to be desired. I entreat you to listen. I will read you, what this best expounder of the Constitution has said. Let the words be engraven on the tablet of your hearts.

“ And this constitution of suffrages is framed upon a wiser principle, with us, than either of the methods of voting, by centuries, or by tribes, among the Romans. In the method by centuries, instituted by Servius Tullius, it was principally property, and not numbers that turned the scale: in the method by tribes, gradually introduced by the tribunes of the people, numbers only were regarded, and property entirely overlooked. Hence the laws passed by the former method had usually too great a tendency to aggrandize the patricians or rich nobles; and those by the latter had too much of a levelling principle. Our constitution steers between the two extremes. Only such are entirely excluded, as can have no will of their own; there is hardly a free agent to be found, who is not entitled to a vote in some place or other in the Kingdom.

“ Nor is comparative wealth, or property, entirely disregarded in elections; for though the richest man has only one vote at one place, yet, if his property be at all diffused, he has probably a right to vote at more places than one, and therefore has many representatives. *This is the spirit of our constitution; not that I assert it is in fact quite so perfect as I have here endeavoured to describe it; for, if any alteration might be wished or suggested in the present frame of Parliament, it should be in favour of A MORE COMPLETE REPRESENTATION OF THE PEOPLE.*

If, then, a learned Professor of the laws of England, in the University of Cambridge, a grave writer in the midst of his retirement; a judge upon an English tribunal, with the representation of the people to be more complete, how superlatively criminal must his conduct be, when compared with mine? If my guilt is notorious, why has his been passed over in silence.

But I shall not refer to writers, who are now no more, and who are beyond the reach of punishment. Vengeance ceases at the verge of the grave. There factions and parties rage in vain. If I have been guilty of a crime, I shall not claim the protection of the dead; I shall not wander among the tombs supplicating the assistance of those who cannot hear me: I have the greatest living characters on my side; men high in rank and power; men who enjoy the confidence of their King, and who are admitted into the bosom of his council. The Prince

Minister of the country, Mr Pitt; the Commander in Chief of the Army, the Duke of Richmond, have both been strenuous advocates of Reform. Are not they then criminal as I am? It can never be forgotten that in the year 1782, Mr Pitt was *ainted* with sedition, by proposing a Reform in the House of Commons. Did not he advise the People to form themselves into Societies? And did not he encourage them by his example, and countenance them with his presence? You will beware, then, how you condemn me; for at the same time you must condemn the confidential minister of his Majesty, who was in the year 1782, what I am in the year 1793,—a Reformer.

If then Reformation be a crime, the criminality must extend far and wide, and must implicate the Minister of the Crown, as well as the meanest subject.

You will remember, that in the year 1782, the Duke of Richmond was a flaming advocate for the right of universal suffrage. He presided in societies, and, like Mr Pitt, advised the formation of such societies all over the kingdom. In his famous letter to Colonel Sharman, his testimony to complete representation of the people, is indelibly recorded. Has guilt, then, nothing permanent in its nature? Does it change with times and seasons and circumstances? Shall the conduct which was deemed patriotic in 1782, be declared criminal in 1793?

I have been honoured with the title of the *Pest of Scotland*; but if similar offences merit similar epithets, the same title must likewise be bestowed on the Chancellor of the Exchequer, and the Commander of his Majesty's Forces—And what term of super-eminent distinction will you, Public Prosecutor; you the Lord Advocate of Scotland, claim for yourself? You were, not many months ago, also a reformer. You contended for a more equal representation of the people in the House of Commons. You were one of those men who for that purpose lately assembled in this city in what they called a *Convention*, and assumed to themselves the title of *Delegates* from the counties, and you were then employed in framing a bill for extending the elective franchise. In accusing me, you charge yourselves with sedition; every charge in your indictment against me recoils upon yourself. If it is lawful for you and your friends to meet in *Societies* and *Conventions* for the purpose of obtaining a Reform in Parliament, it cannot surely be illegal in me and my friends to meet, and to act on the same principle. I shall not, however, Gentlemen of the Jury, detain you longer on this point, although my assertions are founded in truth, and my reasoning is just, yet the subject is too ridiculous to dwell upon in this solemn trial.

But if the real cause of my standing as a pannel at this bar, is for having actually engaged in the cause of reform, I repeat it again, I plead guilty. In my conscience, however, I shall find no remorse: From it I shall receive consolation, even when under your condemnation. Engaged in that cause, because I saw in it the salvation of my country; I was

convinced that a more Equal Representation would dry up the sources of corruption, diminish our taxes, and stop the effusion of our blood. That such were the motives of my conduct, is proved by every part of the evidence adduced against me. When he heard the testimony of his own witnesses, the public prosecutor shrunk from their examination. He has regarded, with little attention, the proof, but has given full scope to empty declamation, and poor invective. I shall not, however, follow his example; I will examine every part of his evidence, and I will demonstrate, that notwithstanding the number of witnesses brought against me; after every word and action has been scrutinized, after my domestic retirement has been explored, and every unguarded word dropped in the midst of social intercourse, invidiously brought forward, still there appears nothing like sedition.

The first charge in the indictment, is, that I was concerned in convening meetings of the people; at which I made seditious speeches and harangues, vilifying the King and Constitution, and representing the Monarchical part of our Government as cumbersome and expensive, instituting a comparison between the Government of this country and that of France, and doing every thing to excite the people to insurrection and rebellion; and it is particularly stated, that I was guilty of these crimes at two different meetings; the one at Kirkintilloch, and the other at Campsie.

The first witness adduced in support of this charge, is Alexander Johnstone. You will remember, I stated that this witness had expressed himself in a most rancorous manner against me, and that he had said, he would do all that lay in his power to get me hanged. I could have supported this averment by respectable witnesses; but the Court would not admit a proof, because I could not condescend upon any particular cause which might have occasioned the malice of a man whom I do not know, and whom I do not remember ever to have seen. But what does even Johnston prove against me? I will read from my notes the whole of his evidence, and you will correct me if I have committed any error in taking it down.

[Here Mr Muir read Johnstone's evidence.]

The witness says, I stated the imperfection of the Representation, from burghs being rotten, and from other places having no vote; the small number of electors in proportion to population, and that the people were not equally represented. And do you call this sedition? The witness deposes, that he heard me say that if a man threw away 20,000*l.* to procure a seat in Parliament, he had some interest in it. And can it be supposed that any man in his senses would give such a sum for a seat in Parliament without having some sinister view? In no proposition of Euclid is the conclusion more demonstrable than the inference which I drew from this undeniable fact. It may be said, that this has been done from ambition—from a man's delire of exercising great talents for

the benefit of his country, or of displaying his eloquence to the world; but have we not seen it done as often by the man who never said a word within the walls of the house, besides *Aye* or *No*, as well as by the most splendid orator! And have we not seen it practised by the cool and cautious speculator, who never lays out his money without calculating on a profitable return? Bribery at elections has, for a long time, been sapping the foundation of Liberty, and ruining the morals of the people. The most flagrant instances of this baneful influence stand recorded on the journals of the House of Commons; and is it not an evil which the corrupt cannot deny, and which good men have always endeavoured to redress! The witness deposes, that I said the Duke of Richmond had got 20 or 30,000*l.* put into his pocket. And what although I said so! that this was the salutary opiate, which calmed and cooled the fever of his brain, and probably saved him the mortification of standing his trial also for the crime of sedition! But this has no concern with the question at issue. It is not the Duke of Richmond, but the King himself, that I am accused of vilifying.

Allow me, Gentlemen, before I proceed farther, to make one remark. I am to be tried by the Law of Scotland, and by that Law, two witnesses are necessary to prove a crime. This is a regulation of humanity, which is peculiarly necessary in cases similar to mine, where the testimony is to go to words, *volantia verba*, neither engraved in marble nor recorded in brass. If you do not consider all the circumstances under which such words were spoken, and even the manner in which they were uttered, you may attach to them a meaning which the speaker never intended; you may torture them into guilt, or explain them into innocence.

With regard to what was said about France, I beg of the Jury to consider the situation of that country at the time when the words were spoken. Is it not notorious, that the Representation of the People is more equal in France, and the taxes less, than in this country? And does it require any demonstration, that the manufacturer can bring his goods cheaper to market in a country where the taxes are low, than in one where they are high? Are incontrovertable truths to be construed into a libel? But who ever heard before, that it was unlawful to compare the British Constitution with that of another country? If the British Constitution is the boast of ages, the pride and glory of the world, can it suffer by any comparison? On the contrary, will not its splendour brighten by the foil? But does Johnston say that I gave the superiority to the French Constitution over the British? No. Does he assert, that I exhorted the meeting to reject the British Constitution, and to adopt the French as the better model? No; not a word. What then says he? That I merely compared the two together. Is this sedition?—Alas! we are all seditions. Is there a man here, or in this country, who

has not, in his own mind, and who has not, in words, made a similar comparison?

The witness does not say that I recommended Paine's book, but only that it was spoken of "by one neighbour to another." He says I did not recommend any particular book, but reading in general; and he has not been able to prove one single unconstitutional expression.

When I recommended general reading, and to communicate among themselves the knowledge which they might have received: I gave them a good advice, and which I should repeat were I again in the same situation. And will you call that advice improper? Is the time come when the mind must be locked up and fetters imposed on the understanding, and when the great body of the People are to be precluded from that information and knowledge in which they are so materially concerned? Oh! unhappy Country! miserable People! The remembrance of former liberties will make you only more wretched: Extinguish then, if possible, the light of Heaven, and let us grope, and let us search for consolation, if it can be found, under the darkness which shall soon cover us. But the prospect before us is not so dismal! We live; and we act under the British Constitution. A Constitution which, in its genuine principles, has for ages consecrated freedom. We live, and we remember the glorious Revolution of 1688, which banished despotism, and placed the Family of Hanover upon the Throne. We remember the Bill of Rights; nor shall we forget one of its most sacred clauses, which declared, established, and sanctioned the unalienable claim of the citizen to Petition Parliament. Now, as Members of the British Constitution, acting under the Bill of Rights, how should our conduct be shaped? Do we complain of general grievances, such as an Unequal Representation of the People? It would be arrogance in a part to speak the language of the whole. Let those, then, who feel most sensibly the pressure of this general grievance, not presume to complain for the nation, but consult the nation. And how are they then to consult the nation, but by bringing the People together in Societies, to deliberate and to resolve? Would you wish the people to act unadvisedly? Would you propose they should carry Petitions to the doors of the House of Commons; without knowing the real signification or the import of these Petitions? Let us apply to our political conduct a rule sure and unerring in private life: Think; deliberate, before you act. An Unequal Representation is a general grievance. Before we seek to obtain its redress, let us enquire, in the first place, if it is generally felt; and, in the second, if redress is generally wished for. In applying for a general remedy, let us first be convinced of the general disease. Without this, a few factious men may presume to speak for the nation; may impose upon the weak, and may plunge the many into inextricable confusion and misery.

The unalienable and unprescriptible rights of the people to petition Parliament, is declared by the Bill of Rights: If, then, you condemn me, for advising the people to inform themselves, and to diffuse the knowledge obtained by that information to others, and then calmly, and deliberately to petition Parliament, you not only condemn me, but you trample upon the liberties of the people, and you proscribe the constitution.

The advice I gave I shall always consider to be good advice; my motives were pure; I did not list myself under the banners of a faction; I combated neither for Ministry nor for Opposition; neither for the mine nor for the ours; I fought in the cause of truth: and how is that cause to be successful, but by general, complete, and impartial information of the different arguments advanced upon either side, of the great question of Parliamentary Reform? Fond of reading myself, purchasing for information, almost every new publication, was it not natural and just for me to recommend a similar line of conduct to men, who, from their union, were enabled to defray the expence? If I had been the root of party and of faction; if truth had not been my object, I would have said to this society, "purchase not the books which are written against Parliamentary Reform; they are merely the productions of pensioned hirelings; but read every treatise written in its defence.—These are the productions of enlightened and philanthropic men, and they are stamped by the signature of genius." You will remember what the witness has said upon the interrogatory of the Solicitor General, relative to what I mentioned concerning the King, Lords, and Commons; What was the reply of the witness? It was this, that I said the Constitution ought to consist of King, Lords, and Commons. Is this vilifying the Monarchy? Is this representing that part of the government as expensive and cumbersome, as the indictment sets forth? Is this inflaming the minds of the people, and exciting them to insurrection and rebellion?

Again, I say, I recommended a general communication of sentiment, and reading books on both sides of the question, And was there any sedition in this? A great national question was then agitating, which produced a diversity of opinions, and which brought the Lord Advocate, and the Vice-president of the Kirkintilloch society, into the field together. At such a crisis, it was surely necessary to recommend procuring all possible information on the subject.

The witness has deposed, that this meeting was principally composed of young weavers, from eighteen to twenty-one years of age. I blush to mention the inference which the Lord Advocate has drawn from this. That people in that situation of life, and of that age, have no right to concern themselves in public affairs! People in that situation! What situation? People who compose the great mass of Society, who support the Government by their industry, and who fight the battles of their country. And what age? That period of life when the heart is uncorrupted, when the

soil is best prepared to receive the good seed, and when the mind is most susceptible of the impressions of virtue and humanity: Must the members of that Society be held up to derision, because the majority was composed of weavers? and because they might be principally young men? Must they be censured for interesting themselves in the welfare of that country in which they were to spend the remainder of their days? And must they not presume to enquire into the nature of that Constitution, in the operation of which, the happiness of their future lives is so materially concerned? But to the conclusion of this deposition, I request of you to attend. The witness deposes, that I recommended peace and regularity; that I told them that there was no other way of procuring redress, but by application to Parliament; that I advised them to receive no immoral characters as members. How far such advice accords with the criminal charges of the indictment I leave you to judge.

The next witness is Robert Weddel, Vice President of the Kirkmilloch Society. From his examination, there appears no proof of criminality, not the most slight indication of guilt. It is to be observed, that he deposes to circumstances which occurred in the same meeting, at which the former witness was also present; they, however, do not agree respecting my general conduct. I am accused of vilifying the King and Constitution; and what does this witness say? That I made a speech in which I advised regularity in their proceedings; and that they ought, to proceed in a constitutional manner, as the law now is, by King, Lords, and Commons. The indictment alleges, that I spoke against, and reprobated the monarchical branch of the constitution. But the witness swears, that I said nothing about the expences of the King, nor the comparative expence of the French constitution, nor the success of their arms. Gentlemen, I speak with candour; it is not in my remembrance, that I spoke concerning the comparative excellency of the French or British constitutions. You hear one witness declaring that I merely compared them together; you hear this witness declare, that I made no mention of either constitution. Both of them may have spoken truth according to the impression which was on their minds; but they shew you the danger of trusting to the memory of witnesses, when it relates to words spoken in the warmth of public discussion, and attempted to be recollected after the lapse of many months. But give whatsoever degree of strength you choose to Johnstone's evidence, draw from the comparison, which I instituted between the French and British constitutions, an inference as highly criminal as you possibly can; the testimony of that man is completely overthrown by this witness. Mr Weddel has stated to you what passed after the meeting was over, in private company, in the unguarded hour, when the mind dreads no danger, and when vigilance is asleep. Can any thing prove more strongly, than the deposition of this man, the innocency of my conduct? The conversation related to politics; and to new publications; and he remembers me speak-

ing of Mr Flower's book on the French Constitution, which, though not mentioned in the indictment, the Lord Advocate wished to bring forward as seditious, and as a circumstance tending to prove the crime charged. I am not acquainted with the respectable Author of that book; but if from writing, a true idea may be formed of the heart, there is not a man that I would more fondly call my friend. It is true I recommended Mr Flower there, and I have recommended his principles every where. If any one wish for a Reform in Parliament, let him read and weigh well the lessons which Mr Flower has inculcated.

He next depones, that I recommended Henry's History of England. I am called an enemy to the Constitution; and yet I recommended to the people, the book best calculated to instruct them in its principles and progress, a book which was warmly recommended by the great Earl of Mansfield, who first brought it into notice, and procured the author a pension from the king.

Being asked by the Solicitor General, What he meant by a more equal representation? The witness stopt for a moment to consider. O! what matter of triumph was this! Then burst the contemptuous sneer; and then, with affected ridicule, was pointed out, the absurdity of men so ignorant, embarking in the cause of reformation, when even their Vice-President, the witness, who from his station, if any had known, he should have been the man. But by all, excepting by Mr Pitt and the Duke of Richmond, who contended for reformation, no specific plan has yet been proposed. In all that was said in the late debate in the House of Commons, no specific plan was brought forward. Is it then a matter of surprise that the witness, who is certainly as much entitled to become a Reformer as the Lord Advocate, stopt for a moment to consider his answer to the question? His answer was such as did honour to the coolness of his mind, and to the soundness of his understanding. Two opinions, replied he, divided the Society. One was for confining the right of voting to landed property, the other, for every man having a vote; but he had not made up his mind upon either. He declared, at the same time, that I did not give any opinion on this subject.

I shall not at this time say much with regard to the very reverend Gentleman who was next called as a witness, as I intend to bring a criminal prosecution against him. My objections to his admissibility were sustained before I entered upon the threshold of my proof, by the Lord Advocate's giving him up: I was sorry for the prosecutor's timely precaution; it prevented me from bringing a cloud of witnesses against this gentleman, to prove practices, nay crimes which ——— but I shall go no farther at present, my most rancorous enemy was aware of what would have followed, and even he, it appears, would have blushed to have brought forward this man's testimony. But I trust that you, gentlemen of the Jury, will this day do justice to my innocence, and if, by your verdict, I rise acquitted from this bar, I solemnly pledge myself that I shall in my turn become a prosecutor.

Henry Freeland, the president of the Kirkintilloch society, is the next witness ! My notes I believe are accurate, if I have made any mistake, the Gentlemen of the Jury will correct me from theirs.

I am charged in the indictment with having convoked the meetings in which I afterwards harangued. Now this witness, the first president of the society at Kirkintilloch, who, if any man could, must have known the circumstances leading to its formation, deposes that there was an intention of having a society at Kirkintilloch before ever he saw me. Where is this charge on the libel supported by evidence ? He mentions that the general purport of my speech was about shortening the duration of Parliaments, and a more equal representation ; that I said, that I thought taxes might be lessened by these means, and that the reform was not to take place as to the King and House of Lords, but only of the Commons. Call you this sedition ! Does not every thing brought forward by these witnesses of the Crown, confute the false, the injurious, and the scandalous charge in the libel, of villifying the Constitution, and of exciting the people to rebellion against the King ?

He likewise said, that I mentioned the success of the French arms, and that liberty would be established in France. Call you this likewise a crime ? At the time when I spoke was it not true ? Were not the armies of France in every part victorious ; and could I, not possessed of the power of penetration into the future, be sure that they were not to accomplish their object ? Are not opinions, after all that has happened during the last few months, as much divided as they were then ? Can you go into private or into public company, where this topic forms not the most material part of their conversation ?

Gentlemen, I now come to the most material part of Mr Freeland's evidence, indeed, the most material evidence which the prosecutor has been able to produce. A wide field is now before us, and I request your most serious attention to what I shall now say, as it relates to a principle charge of the libel.

The indictment charges me with wickedly and feloniously circulating, and distributing, Paine's book, in order to inflame the minds of the people against the constitution. Now, I ask you to lay your hands upon your breasts, and to say, Whether, in the circumstances under which I lent that book to the witness, there appears a shadow of felonious intention ? The papers of the day were full of advertisements, announcing where the works of Mr Paine were to be found. The cause of this curiosity in the public mind, may be easily unfolded, without uttering a single syllable upon the intrinsic merit, or demerit of these works. The situation of France roused the attention of Europe. To that country every eye was turned, and every man who could wield a pen, was employed in discussing the principles which the revolution had brought forward. Mr Burke entered the field of controversy. The name of that gentleman would give sale and diffusion to any production. Mr Burke fought upon one side of the

question. He was encountered upon the opposite by Thomas Paine. Both of them champions of approved vigour, and of undoubted prowess. — Could public curiosity not be awakened to the contests of such men? It was so most completely: and the works of Mr Burke and of Thomas Paine, flew with a rapidity to every corner of the land, hitherto unexampled in the history of political science. Is there a single man among you, who has not read the works either of Paine or of Burke? Is there a person upon the bench, upon the Jury, or in this audience, who has either not purchased or lent the treatise upon the Rights of Man? Now, if one of you lent to a friend or relation, who might participate in the common curiosity, a single pamphlet of Mr Paine's, you are as guilty as I am. If there had been a public law of the kingdom condemning that book, the presumption of ignorance could not be admitted by its rigid rule; and the mere act of giving away a single copy, would have been considered as a violation of its letter. But at the period when I lent Mr Freeland Paine's Works, was the sentence of reprobation thundered against them? No—I then was guilty of offending no existing law. I was not certified of my danger. I was not put upon my guard. Was there a judgment of any court in England or in Scotland against this book at that time? No—Then I had no cause for alarm; but some months before, a proclamation against seditious writings had been issued. But a proclamation, Gentlemen, is not law, it has no legislative authority, and there was no mention of Mr Paine's Works in that proclamation. Can you now suppose that there was any felonious intention in lending this book? Did I advise the witness to read it, or adopt its principles?

The mighty crime of sedition, with which I am charged, reduces itself into this simple fact: That, to gratify the natural curiosity of a person who lives in my neighbourhood, and who is a distant relation, I lent a book which was in universal circulation, unnoticed by Courts of Justice, and uncondemned by law. A book which a gentleman of eminent abilities, a professor of the Law, and one of the most distinguished followers of Mr Burke—has declared he would have lent it, if he had had it in his possession, when a similar requisition was made to him.

Gentlemen, if, whether right or wrong, you have come here determined to find me guilty, say so boldly, openly, and let me add, honestly; resort not to idle pretexts and expedients to justify a stretch of power. The unprejudiced eye will soon penetrate into these pretexts, and the determination will soon receive the contempt and indignation of mankind.

I wish next to direct your attention to the nature of Mr Paine's writings, which is indisputably speculative. There is not a sentence tending to excite insurrection. He investigates the first principles of society and government, and gives no preference, without assigning reasons for so doing.

Government and Constitutions are human workmanship; and that is most perfect, which can be most easily amended. A *progressive* Consti-

tion, if I may use the expression, must always cherish and support the liberty of the press, as the chief instrument of its preservation. What is the History of the British Constitution, but the History of a continual Progress? and the universal diffusion of knowledge, by means of the liberty of the Press, has been the impelling cause. If you destroy the liberty of the press, the people will be buried in ignorance, and the iron throne of despotism erected.

But let Mr Paine be considered as the bitterest enemy to our Constitution, yet so long as he confines himself to speculation, we ought to be grateful. If Mr Paine, then, has called our attention to the Constitution, he has done us an essential service; he has led us to contemplate all its perfections, and roused us from our lethargy, to rectify what has been injured by time and corruption.

When was there ever such a violation of the rights of Britons, as to make the lending of a single copy of this Work criminal?

Gentlemen, it is not by partial extracts, that you can judge of the Rights of Man: you will take the book with you; and, as you are bound by the oath of God, which is upon you, will read the book from beginning to end, you will scrutinize it, you will examine the context, and you will pronounce that judgment which your consciences dictate.

Were you to judge of the general spirit of a work from detached paragraphs, the most innocent book may be made to appear seditious; even the books of sacred inspiration will not be acquitted of the charge; and since the 24 letters of the alphabet may be arranged into a libel, they ought to be destroyed, as being the component parts of all sedition.

I now ask, How is a proper Reform to be obtained, but by reading on all sides of the question, Paine as well as others: Must Hume and Harrington not be read, because they propose schemes of Government different from the British? Under the arbitrary reign of Henry VIII. Sir Thomas More published his Utopia, or plan of a Republic, though the author was at that time placed at the head of the law, and enjoyed the confidence of his sovereign; and will you, in this enlightened age, condemn a man for lending a book equally speculative? Gentlemen, I would read extracts from Mr Paine's book, to prove, that it is written entirely upon speculative principles; but as the passages I allude to are quoted in Mr Erskine's celebrated speech upon Mr Paine's trial, which I suppose you have all read, I will refer you to it.

But I will admit, that the passages from Mr Paine, and the books exhibited in the indictment may be highly criminal; but will any person venture to say, that I lent these books for containing such passages; that I particularly pointed them out, and gave them my warmest approbation? If the Prosecutor has a right to presume, that it was upon account of the passages I lent these writings, I too have a right to draw a contrary presumption in my favour. If there are sentiments in the Works of Mr Paine, (and many such there are,) fraught with universal benevolence, in-

culcating universal amity and brotherhood, and of a tendency to dispel those passions and those prejudices, which animate and impel nation against nation into the field of blood and of carnage, I am entitled to plead upon these passages: I have a right to say, that it was the antidote, and not the poison, I recommended: And you must know that the law of this country obliges you, where opposing presumptions are of equal strength, to let the balance preponderate on the side of mercy.

I shall conclude this subject, by observing, That all the witnesses have uniformly sworn, that I refused to recommend Mr Paine's Works; that when the matter was proposed, I said, the principles contained in them were foreign to the object of the Society, and might misguide weak minds. There is not a witness adduced by the Prosecutor, who says the contrary of this; and will you agree in opinion, that the charge in my indictment of circulating and recommending these books, has the slightest shadow of support? I will tell you the reason why I did not recommend Mr Paine's books to the Societies in Scotland, and why I declared them foreign to their purpose.—Mr Paine is a Republican, and the spirit of Republicanism breathes through all his writings. This is his darling system. The object of these Societies was, by constitutional means, to procure a Reformation in the House of Commons, and not a Revolution. Mr Paine's book was therefore quite foreign to their purpose, and I never could have recommended it.

When Mr Hume published his idea of a perfect commonwealth, did not he declare, That he thought that model superior to the British Constitution, even in its most pure state? But, supposing Mr Hume to have been a member of the Society of the Friends of the People, What would have been his conduct in it? Would he have said to men who were assembled to renovate constitutional rights only, You must give up the constitution entirely; it is defective and imperfect when compared to the offspring of my fancy; it is this last which you must adopt, and reject the former. But Mr Hume would have held forth no such language; he would have said to them, "The grievances of which you complain can be redressed by the energy of our own constitution; the redress of these grievances is the only object of your association. If then reformation is your object, and not revolution, however much you may approve of my speculative system, it must not operate upon you for a moment in practice."

Gentlemen, this is entirely a new case in this country. You are the first Jury in Scotland, before whom Mr Paine's book was ever, either directly or indirectly, brought. In this case the verdict of an English jury can be no precedent to you. In point of law, England is to use us as a foreign country, and I have frequently, and I must acknowledge, very properly, been checked when pleading as a counsel at this bar, for using arguments drawn from the laws of England. At the same time you must not forget, that the decisions in England on this point, have lost the re-

speet due to them, although they have been here held out as precedents. We have seen juries one day condemning the author and publishers; and on the succeeding day, we have heard of other juries pronouncing a verdict of acquittal. This difference in the verdicts returned, shows how tender you should be of passing a hasty sentence on the subject.

Anne Fisher is the next witness; she has been highly complimented by the Court on the accuracy of her evidence. The Jury will judge what degree of credit is due to a witness who possesses a memory so extremely accurate, when she has any thing to state that may tend to prejudice the Jury against me, and so very inaccurate in other cases.

I will soon shew you, Gentlemen, that she has but few pretensions to that accuracy, of which the Lord Advocate spoke in such terms:—that her memory possesses a singular quality; retentive to whatever may militate against me, but hesitating and confused to whatever may seem in my favour. What this domestic and well-instructed spy has given in evidence against me, fills my mind with little concern; on the contrary, it affords me much satisfaction to find that when I was surrounded in the place where I expected most security,—where all suspicion was lulled asleep, my conduct was so guarded.—What do I say?—Guarded! Innocence has no need to be on the watch.

Two of the principal charges in the indictment, are supposed to be supported by the testimony of this witness. The first, my making seditious speeches; the second circulating seditious books.

Now, what are the seditious expressions which the witness has heard me use in my unguarded moments? She deposes that “I said if every body had a vote I would be member for Calder; that members of Parliament would then have 30s. or 40s. a day; and that then there would be none but honest men members; who would keep the constitution clear.” You recollect how the Public Prosecutor enlarged and expatiated upon these words of this witness. Now, after labouring so long in vain, he fancied he had got something against me. I smiled at the indecency of his exultation; but the next moment I blushed when I reflected that he was a lawyer, and chief Counsel in Scotland for the Crown. Here, said the Prosecutor, “you see the cloven foot—You see French principles manifested. Here you discover the whole tincture of his soul. Members of Parliament to have thirty or forty shillings a-day for their attendance—to be honest men, and to keep the constitution clear! Is not this evidence, that he means to introduce, in place of our House of Commons, a National Convention, on French principles, and according to French Forms?” But there surely was nothing criminal, in supposing that I was sufficiently popular in the parish of Calder, to be elected a member of Parliament, nor is the idea of parochial representation so new; for the Duke of Richmond, in his letter to Colonel Sharman, expressly says, that this country can never be saved, until the people meet in their parish churches, and proceed to the election of members of Parliament. As to proposing

to give members of Parliament 30 or 40 shillings a-day, it so far from being any imitation of the French method, that it was the antient practice of this country. The venerable Marvell was the last man who received his wages from the hands of his constituents, at Hull; And I hope in God, to see again that day when the people will pay their servants themselves, and not leave them to be rewarded by places and pensions. I am not an advocate for corruption and venality, and I should be happy to see a practice renewed, which would so effectually prevent their inroads.

The people, in those days, delegated none but men whose virtues they were acquainted with, and the important mission was never undertaken by men destitute of virtue and talents, as I am sorry to say has been done in our time. Look back, I entreat you, to the Sydneys, the Hampdens, and Marvells of former times. To those men who laid the foundation of the British constitution; they received their wages directly from the people; and the Lord Advocate pronounces their eulogium by his invective.

The witness depones, that I frequently read French law books: If that is any way criminal, my Lord Justice Clerk might himself have been a witness against me, for he too may say that he has heard me read French law books. His Lordship will recollect, when I was counsel for two soldiers, before the Circuit Court in Glasgow, that I read some passages from Brissot, on criminal law, and that Mr Honeyman, who was sitting near his Lordship, borrowed the book.

But let us proceed with this witness, on whose evidence the Lord Advocate rests so much. Had I, like Cataline, plotted secretly in the dead hour of the night, such a person might have been brought forward to criminate me; but as I am accused of publicly exciting sedition; it is extraordinary, that she should be produced here, to retail every trivial expression which I may have dropped, in the moments of social relaxation, in a private family: But, even she has proved, that in the most unguarded moments, I was constitutional.

Of her idle story concerning what I said about Courts of Justice, that they needed reform, and that this Court in particular, got their money for nothing, but pronouncing sentence of death upon poor creatures; and that their parade in coming to Glasgow was useless, I disdain to take notice. Only, you will observe her exquisite art. The veil is easily seen through: she expected that such a tale might excite some irritation in their Lordships, and enable her to succeed the better in the terrible task which she has had to perform.

The witness depones, that she has heard me say, a republican form of government was the best, but a monarchical form of government, under proper restrictions, would be best in this country. With all her art, and with all her memory, she cannot depone a single circumstance which can strike against me. Even from her own account of my private conversation, it appears, that when I spoke of republican forms of government

it was purely in the abstract, without any allusion to this country, without expressing a wish to see any particular mode of them introduced; and that, when I spoke of this country, I never deviated from the constitution, but said that a limited monarchy, under restrictions, was the best adapted to its interest.

Here I am charged with causing an organist play *ca ira* in the streets. Did the Lord Advocate suppose that there was any sedition in a tune? The Gentlemen of the Jury may perhaps have read the words of *ca ira*; they would see that no song could be more innocent:—Is it supposed that I can overturn the Constitution with a song? with equal justice I might have been indicted for having caused the chorus of a Greek Tragedy, or a Hymn to Liberty, to be recited. The manufacturers and middling tradesmen in this country, are in general totally ignorant of the French language; and I might with equal propriety, have attempted to excite sedition, by reciting a Greek Hymn, a Latin Ode, or an Hebrew Psalm.

I shall abandon this subject. My political career has neither been obscure nor inglorious; and thought it has undergone the severest scrutiny that ever fell to the lot of man, yet the mighty charge of sedition is to be supported by domestic spies, swearing not to over-act, but to the amusement of an idle hour, in listening to a foreign tune.

Let us next see how far the evidence of Fisher supports the charge against me, of circulating seditious publications. You cannot believe her general averments; she says that I used to recommend Mr Paine's books to a number of country people; but out of all that number she can only specify one, John Barclay, whose evidence contradicted her. She deposes that she bought, at two different times, at my desire, two copies of the Rights of Man. Can you suppose that if my intentions were felonious, I would have introduced these writings into my own family? Is it to be imagined that I wished to involve, in the general conflagration of the country, my nearest relations; and that I wished to cause a division of that property to which I might eventually succeed? The Lord Advocate has said, that his feelings would not permit him to examine the uncle against the nephew: Certain it is, however, that Alexander Muir was closely interrogated before the Inquisition held by Mr Sheriff Honeyman:—O wonderful humanity!—Goodness ever to be remembered and extolled! But did not you Sir, advise and direct the whole proceedings against me; and will you have the effrontery to deny that Alexander Muir was dragged like a felon from his own home, by the mermidons of power, carried before your friend Honeyman, and that every art was employed to wring from him every domestic secret?

Boast, then, of your humanity!—continue to speak to us of your feelings!

I am charged with circulating a Dialogue between the Governors and the Governed, extracted from the Ruins of Empires by M. Volney. This dialouge is called seditious, though there is not a word in it which is not true. Alas! in colours too faithful, it delineates the melancholy history of six thousand years.—the crimes of despots, and artifices of impostors, to blind and subjugate the people. It is purely abstracted. It is entirely speculative. To no particular nation, much less to Britain, does it allude; if to any, it must be to France, under the antient system. Yet, this dialogue is libelled as seditious and inflammatory. The truth is, the crime of sedition *must* be brought home against me: and the possession of any book, as well as that of Volney, must be employed to substantiate it. Let us hear what the witness says concerning the seditious circulation. She heard me read it in the presence of my mother, sister, and some other people; that I said it was very clever, and done by *Volney*, one of the first wits in France. Who were those other people who were in company with my mother and sister when I read it? Her accuracy, so much extolled by the Court, totally fails her. But the propogation of sedition must not be confined to a mother and sister; it must have a wider range;—*other people present!* and founding upon his beloved *generallity*, the prosecutor has reason to argue, there might have been a full company, a numerous meeting—nay, an immense congregation.

She says I sent her with a paper, entitled a Declaration of Rights, to be reprinted; but what is a Declaration of Rights? Had I sent the bill of rights, or *Magna Charta*, to be printed, I should have called it a declaration of Rights.

She has said, that she read Paine herself, because she was curious to see what was in it; but remember, she has not said that I recommended it to her.

Thomas Wilson, the next witness says I desired him to buy Paine's book, and to keep it in his shop, because a barber's shop was a good place to read in; and so I might have said of any other shop, as well as a barber's; but recollect, that he does not agree with sister in deponing, that I made use of this expression, *To enlighten the people*. He depones That a man came into the room, while he was dressing me, and that I said in a *laughing* style, this is a keen reformer, or a great reformer: and so he was,—he had need to be a great reformer; if ever I said so, I hope I did not say it in jest, but in earnest; for he was an old man, and he was daily reforming a life that verged towards eternity. He was a great reformer in virtue and in religion.

The conclusion of Wilson's evidence, affords me the greatest consolation. It proves the innocency of my private life; in those moments when I was most likely to be seen without disguise; when it cannot be supposed that I assumed any affectation of integrity. He depones, That

he always heard me say, that I wished to maintain the constitution, and that I inculcated good order, and good morals to the people.

The next witness is John Muir, who tells you, that he had a conversation with me in September last, about Paine's book, in my father's house; that he asked the loan of it from me; that I told him I had it not. Does this resemble the conduct of a man accused of distributing these books to all and sundry, and scattering them over every portion of the land? He says, I mentioned that he might buy it, and that a servant girl accordingly went and got it. Does not this completely confute the testimony of Fisher, who affirms, that I much pressed this man to purchase that book! and, he tells you, that he himself asked the loan of it. Is not this a complete contradiction of her testimony?

The Lord Advocate has chused to make free with the character of the next witness, Mr Barclay, a man of whose venerable age and character, I should have imagined, would have protected him from insult. Now, what does he say in his testimony? That we were elders in the same parish, the parish of Calder, in which the lands of my father are situated. He informs you that at the last election of a minister for that parish, a dispute had arisen, concerning the right of election, and that he voted upon the same side of the question with myself. This introduced acquaintance, and acquaintance produced friendship.

The Lord Advocate, in speaking of this virtuous and venerable old man, exclaimed with insolent contempt, Such men as *these* are the companions,—and such men as *these* are the friends of Mr Muir! Yes, I tell the Lord Advocate, I tell the aristocracy of Scotland, I am proud of the friendship of such a man. Yes, I glory more in the friendship of that poor, honest, old man, than I would do in the friendship of the proudest titled Peer, who squanders in dissipation his guilty wealth, drawn from the labour and industry of an oppressed People, to the ruin of private virtue and the contemnation of public morals; who wrings out a splendid, but miserable revenue from the distresses of the poor,—from their tears, and from their blood—and who is destitute of that virtue which can alone constitute real dignity, and true nobility.

The next witness, and the last of whom I shall speak is William Muir, whose religious principles at first induced him rather to suffer the *eternal* imprisonment, with which he was threatened, than to take the oath, until his scruples were removed by Mr Dunn. He depones, that I gave him eleven numbers of the Patriot, and the Political Progress of Great Britain; the Political Progress is not mentioned in the indictment, and I maintain that every passage quoted from the Patriot is strictly constitutional. The sentiments, it is true, may not sound musically sweet to some ears: They will not be in unison with the feelings of corruption. The call upon you to arise, and vindicate your long lost rights: To restore your constitution to its original purity; and if my feeble voice could extend to the remotest corner of Scotland, I would resound the same sentiment.

in the same language. These numbers of the Patriot call your attention to septennial Parliaments. And, I say to you, that the act which converted triennial Parliaments into septennial, violated our holy constitution; tore the charter of our national liberties, and paved the way for the inroads of a frightful despotism.

But this witness concurs with all the preceding witnesses, with regard to my conduct and to my principles. He swears, That he does not remember to have heard me speak against Government; that I did not advise unconstitutional measures; and that he heard me tell, how old Sarum was represented. Old Sarum represented! And do not the friends of the Constitution weep! and do not the enemies of the Constitution smile, when they hear of such representation?

Every thing must be ransacked to heap crimination upon my head. One of the letters which I had undertaken to deliver in Scotland is addressed to the Rev. T. Fisher Palmer. Mark! cries the Lord Advocate, the company which this man keeps.—Who is Mr Palmer?—A person whom I have indicted for sedition, and who is to be tried in a few days at Perth!—Unheard of cruelty!—Unexemplified insolence!—What! Before this Court, this Jury, this Audience, do you attempt to prejudicate and condemn Mr Palmer, in his absence, undefended, and without any possibility of defending himself? But, exclaims the Lord Advocate, the seal upon this letter is a proof of the most atrocious guilt. What is it?—Horrible to tell! It is the Cap of Liberty, supported upon a spear, with the words *Ad Fida* above. But I am ashamed to enter into such trifles. If that letter retained proofs of sedition, or of treason against me, Mr Palmer, or the writer of it,—the Seal—and the spear,—and the Cap of Liberty, would have been its feeblest protection.

I now come to the last charge, that of reading, in the Convention of Delegates, the Address of the United Irishmen of Dublin. I admit this fact, and I glory in the admission. The prosecutor has represented that Society as desperate conspirators; and their diploma of my admission into their number as an aggravation of my crime. Let me tell the Lord Advocate of Scotland, that Society stands too high to be affected by his invective, or to require the aid of my defence. I am a member of that Society; and, in the last moments of my life, to have been so, shall be my honour and my pride. The Lord Advocate has represented to you, in general terms, that this address amounts almost to treason; but he durst not attempt to point out in his speech a single passage which could support the aspersions. I maintain that every line of the address is strictly constitutional. You must carry the whole of it along with you into your chamber, and not judge of passages scandalously mutilated in the indictment.

Gentlemen, the authors of this address have been represented by the Lord Advocate as the meanest of mankind, and he has expressly called them infamous wretches, who had fled from the punishment due to their

crimes. What slander!—Has Doctor Drennan? Has Mr Hamilton Rowan, whose names are at the head of the address, fled from crimes and from punishment? “And they are infamous wretches!” If ever after ages shall hear of my name, I wish it may be recorded, that to these men I had the happiness of being known. To be honoured by the notice of Doctor Drennan, is an ambition to which, in the most exalted station of life, I would fondly aspire. To have it said, that I was the friend of Mr Hamilton Rowan, I would consider as the passport to the only acquaintances whom I value; those who found their claim to distinction upon the only true basis, their own virtues. Mr Rowan is indeed indicted to stand trial in Ireland. Upon a charge similar to my own. Mr Rowan has not fled. He will boldly meet his accusation; and, let me say, along with those who know him, that, although it is impossible to add any new lustre to his character, yet, as he has often come forward in the cause of individual humanity, he will display himself upon that occasion, the firm, the intrepid, and, I hope, the successful champion of the liberties of his native country.

This address, about which so much has been said, is very unfairly quoted in the indictment, apparently with the view of giving it a bad meaning.

Here Mr M^r read the following:—

ADDRESS from the **SOCIETY OF UNITED IRISHMEN** in Dublin, to the **DELEGATES** for promoting a **REFORM** in **SCOTLAND**.

WILLIAM DRENNAN, Chairman.

ARCHIBALD HAMILTON ROWAN, Sec.

“WE take the liberty of addressing you, in the spirit of civic union, in the fellowship of a just and a common cause. We greatly rejoice that the spirit of Freedom moves over the face of Scotland; that light seems to break from the chaos of her internal government; and that a country so respectable for her attainments in science, in arts, and in arms; for men of literary eminence; for the intelligence and morality of her people, now acts from a conviction of the union between virtue, letters, and liberty, and now rises to distinction, not by a calm, contented, secret wish for a Reform in Parliament, but by openly, actively, and urgently willing it, with the unity and energy of an embodied nation. We rejoice that you do not consider yourselves as merged and melted down into another country, but that in this great national question, you are

* The passages quoted in the indictment are distinguished by inverted commas.

"*Hill—Scotland*,"—the land where Buchanan wrote, and Fletcher spoke, and Wallace fought.

Away from us and from our children, those puerile antipathies so unworthy of the manhood of nations, which insult individuals, as well as countries, and drive the citizen back to the savage. We esteem and respect you. We pay merited honour to a nation in general well educated and well informed, because we know that the ignorance of the people is the cause and effect of all religious despotism. We honour a nation regular in their lives, and strict in their manners, because we conceive private morality to be the only secure foundation of public policy. We honour a nation eminent for men of genius, and we trust that they will now exert themselves, not so much in pursuing and penning the histories of other countries, as in making their own a subject for the historian. May we venture to observe to them, that mankind have been too retrospective, canonized antiquity, and undervalued themselves. Man has reposed on ruins, and rested his head on some fragments of the temple of liberty or at most amused himself in proving the measurement of the edifice, and nicely limiting its proportions; nor reflecting that this temple is truly Catholic, the ample earth its area, and the arch of heaven its dome.

"We will lay open to you our hearts. Our cause is your cause—
 "If there is to be a struggle between us, let it be which nation shall be
 "the foremost in the race of mind; let this be the noble animosity kind-
 "led between us, who shall first attain that free constitution from which
 "both are equidistant,—who shall first be the saviour of the empire."

"The sense of both countries with respect to the intolerable abuses
 "of the constitution has been clearly manifested," and prove that our
 "political situations are not dissimilar; that our rights and wrongs are
 "the same." Out of 32 counties in Ireland, 29 petitioned for a Reform
 "in Parliament; and out of 56 of the Royal Burghs of Scotland, 50
 petitioned for a Reform in their internal structure and government. If
 we be rightly informed, there is no such thing as popular election in Scot-
 land. The people who ought to possess that weight in the popular
 scale, which might bind them to the soil, and make them cling to the
 constitution, are now as dust in the balance, blown abroad by the least
 impulse, and scattered through other countries, merely because they hang
 so loosely to their own. They have no share in the national Firm, and
 are aggrieved not only by irregular and illegal exaction of taxes; by mis-
 rule and mismanagement of corporations; by misconduct of self-elected
 and irresponsible magistrates; by waste of public property; and by want
 of competent judicatures; but, in our opinion, most of all, by an inade-
 quate parliamentary representation,—for we assert, that 45 Commons
 and 16 Peers, are a pitiful representation for two millions and half of
 people; particularly as your Commons consider themselves not as the
 representatives of the people, but of the Councils of the Burghs by whom
 they are elected.

Exclusive charters in favour of boroughs monopolize the general rights of the people, and that act must be absurd which precludes all other towns from the power of being restored to their ancient freedom.

We remember that heritable jurisdiction and feudal privileges, though expressly reserved by the act of Union, (20th art.) were set aside by act of Parliament in 1746, and we think that there is much stronger ground at present for restoring to the mass of the people their alienated rights, and to the Constitution its spirit and its integrity.

Look now, we pray you, upon Ireland. Long was this unfortunate island the prey of prejudiced factions and ferocious parties. The rights, or rather duties of conquest, were dreadfully abused, and the Catholic religion was made the perpetual pretext for subjecting the state by annihilating the citizen, and destroying, not the religious persuasion, but the man; not property but the people. It was not till very lately that the part of the nation which is really colonial, reflected that though their ancestors had been victorious, they themselves were now included in the general subjection; subduing only to be subdued, and trampled upon by Britain as a servile dependency. When, therefore, the Protestants began to suffer what the Catholics had suffered and were suffering; when, from serving as the instruments, they were made themselves the objects of foreign domination, then they became conscious they had a country; and then they felt—an Ireland,—They resisted British dominion, renounced colonial subserviency, and following the example of a Catholic Parliament, just a century before, they asserted the exclusive jurisdiction and legislative competency of this island. A sudden light from America shone through our prison. Our Volunteers arose. The chains fell from our hands. We followed Grattan, the angel of our deliverance, and in 1782 Ireland ceased to be a province, and became a nation. But, with reason, should we despise and renounce this Revolution as merely a transient burst through a bad habit; the sudden grasp of necessity in despair, from tyranny in distress, did we not believe that the Revolution is still *in train*; that it is less the single and shining act of 82, than a series of national improvements which that act ushers in and announces; that it is only the herald of liberty and glory, of Catholic emancipation, as well as Protestant independence; that, in short, this Revolution indicates new principles, foreruns new practices, and lays a foundation for advancing the whole people higher in the scale of being, and diffusing equal and permanent happiness.

British supremacy changed its aspect, but its essence remained the same. First it was force, and, on the event of the late Revolution, it became influence; direct hostility shifted into systematic corruption, silently drawing off the virtue and vigour of the island, without shock or explosion. Corruption that glides into every place, tempts every person, taints every principle, infects the political mind through all its relations and dependencies; so regardless of public character as to set the highest honours to

sale, and to purchase boroughs with the price of such prostitution; so regardless of public morality, as to legalize the licentiousness of the lowest and most pernicious gambling, and to extract a calamitous revenue from the insatiation and intoxication of the people.

The Protestants of Ireland were now sensible that nothing could counteract this plan of debilitating policy, but a radical reform in the House of the People, and that, without such reform, the Revolution itself was nominal and delusive—The wheel merely turned round, but it did not move forward, and they were as distant as ever from the goal. They resolved they convened. They met with arms—they met without them.—They petitioned; but in vain—for they were but a portion of the people. They then looked around and beheld their Catholic countrymen. Three millions, we repeat it, three million taxed without being represented, subordinated by laws to which they had not given consent, and politically dead to their native land. The apathy of the Catholic mind changed into sympathy, and that begot an energy of sentiment and action. They had eyes, and they read. They had ears, and they listened. They had hearts, and they felt. They said—"Give us our rights as you value your own. Give us a share of civil and political liberty, the elective franchise, and the trial by jury. Treat us as men, and we shall treat you as brothers. Is taxation without representation a grievance to three millions across the Atlantic, and no grievance to three millions at your doors?—Throw down that pale of persecution which still keeps up civil war in Ireland, and make us one people. We shall then stand, supporting and supported, in the assertion of that liberty which is due to all, and which all should unite to attain."

It was just—and immediately a principle of adhesion took place, for the first time, among the inhabitants of Ireland. All religious persuasions found in a political union their common duty and their common salvation. In this Society and its affiliated societies, the Catholic and the Presbyterian are at this instant holding out their hands and opening their hearts to each other, agreeing in principles, concurring in practice. We unite for immediate, ample, and substantial justice to the Catholics, and when that is attained a combined exertion for a Reform in Parliament is the condition of our compact, and the seal of our communion.

British supremacy takes alarm. The haughty monopolists of national power and common right, who crouch abroad to domineer at home, now look with more surprise and less contempt on this "besotted" people. A new artifice is adopted, and that restless domination which at first ruled us open war, by the length of the sword; then, as covert corruption, by the strength of the poison; now assumes the stile and title of Protestant Ascendancy; calls down the name of religion from heaven to sow discord on earth; to rule by anarchy; to keep up distrust and antipathy among parties, among persuasions, among families; nay, to make the passions of the individuals struggle, like Cain and Abel, in the very home

of the heart, and to convert every little paltry necessity that accident, indolence, or extravagance bring upon a man, into a pandar for the purchase of his honesty and the murder of his reputation.

"We will not be the dupes of such ignoble artifices. We see this scheme of strengthening political persecution and state inquisition, by a fresh infusion of religious fanaticism; but we will unite and we will be free. *Universal Emancipation, with Representative Legislation*, is the polar principle which guides our Society, and shall guide it through all the tumult of factions and fluctuations of parties. It is not upon a coalition of opposition with ministry that we depend, but upon a coalition of Irishmen with Irishmen, and in that coalition alone we find an object worthy of Reform; and, at the same time, the strength and sinew both to attain and secure it. It is not upon external circumstances, upon the pledge of a man or a minister, we depend, but upon the internal energy of the Irish nation. We will not buy or borrow Liberty from America or from France, but manufacture it ourselves, and work it up with those materials that the hearts of Irishmen furnish them with at home. We do not worship the British, far less the Irish Constitution, as sent down from Heaven, but we consider it as human workmanship, which man has made, and man can mend. An unalterable Constitution, whatever be its nature, must be despotism. It is not the Constitution, but the People, which ought to be inviolable; and it is time to recognize and renovate the rights of the English, the Scotch, and the Irish Nations."—Rights which can neither be bought nor sold, granted by charter, nor forestalled by monopoly, but which nature dictates as the birth-right of all, and which it is the business of a Constitution to define, to enforce, and to establish. If Government has a sincere regard for the safety of the Constitution, let them coincide with the People in the speedy reform of its abuses, and not by an obstinate adherence to them, drive that People into Republicanism.

We have told you, what our situation was, what it is, what it ought to be: Our end, a National Legislature; our means, an union of the whole People. Let this union extend throughout the empire. Let all unite for all, or each may suffer for all. In each country let the People assemble in peaceful and Constitutional Convention. Let delegates from each country digest a plan of Reform, best adapted to the situation and circumstances of their respective nations, and let the Legislatures be petitioned at once, by the urgent and unanimous voice of Scotland, England, and Ireland.

"You have heard our ideas. Answer us, and that quickly—This is not a time to procrastinate. Your illustrious Fletcher has said, that the liberties of a people are not to be secured, without passing through great difficulties, and no toil or labour ought to be declined to preserve a nation from slavery. He spoke well; and we add, that it is incumbent on every nation who adventures into a conflict for freedom,

* to remember it is on the event (however absurdly) depends the estimation of the public opinion ; honour and immortality, if fortunate :
 * If otherwise, infamy and oblivion. Let this check the rashness that
 * rushes unadvisedly into the committal of national character, or, *if that*
 * *be already made*, let the same consideration impel us all to advance
 * with active, not passive perseverance ; with manly confidence and calm
 * determination, smiling with equal scorn at the bluster of official arro-
 * gance, and the whisper of private malevolence, until we have planted
 * the flag of Freedom, on the summit, and are at once victorious and
 * secure."

Here it is to be observed, that the first quotation in the indictment ends with the word SCOTLAND, although the sentence does not terminate there ; but when the paragraph is complete, it has no relation to the political connection of this country with England, though it has that appearance, by the mutilated state in which it is inserted in the libel ; and, when fairly read, it is evident, that the concluding words in the paragraph, "You are still Scotland; the land where Buchanan wrote, and Fletcher spoke, and Wallace fought," refer to the preceding ones, "A country, so respectable for her attainments in science, in arts, and in arms."

What ! is it not permitted to the Society of United Irishmen to congratulate the People of Scotland, on account of their former eminence in literature, in arts, and in virtue ; and to express the wish that they would still retain that enviable distinction ? And as the forlorn period arrived, when those who express such a wish, are to be called felons and conspirators, and he who has been the organ of its communication, branded with the epithets of "Wretch," Oracle of Discord," and Demon of Sedition." The transactions of this night will be remembered in after ages !

I shall take notice of another part of this partial extract. "We greatly rejoice that the spirit of Freedom moves over the face of Scotland, that light seems to break from the chaos of her internal Government." I grant that it is a strong expression ; but what does it amount to ? Have not Mr Pitt and the Duke of Richmond been convinced of the existence of a chaos in our Government ; and has not that man (the Lord Advocate) endeavoured to make light break from that small portion of chaos which he saw in the Government of this Country.

The next quotation in the indictment stops at these words : "Our rights and wrongs are the same." But it does not take in the remainder of the paragraph, in which the similarity of those rights and wrongs is specified, viz. The self-elected Magistrates of Burghs,—the Unequal Representation of the People,—and the total want of Popular Election.

Gentlemen, I now hasten to a conclusion. Much yet remains to say; but, by the unremitting exertions of sixteen hours, I feel myself almost exhausted. After all the witnesses that have been adduced, I appeal to your consciences if you can think that I have been actuated by any bad motives. Errors I may have committed. I may have been mistaken; but no *malus animus* appears. I entreat you, Gentlemen, to look once more to the indictment, and compare it with the evidence which has been adduced.

The *first* charge is that of vilifying the King and Constitution in public speeches; but the testimony of all the witnesses proves, that, both in public and in private, my language was always respectful of the King and Constitution.

The *second* charge is, that I advised the People to read seditious books, and circulated inflammatory publications among them. Yet almost every witness has attested, that I recommended no books; and the only one which has been proved I did recommend, was Dr Henry's History of England. You will remember the circumstances in which I lent Henry Freeland Mr Paine's Works; and I ask, if any of you would have refused to lend it under like circumstances? My lending books, was not any thing extraordinary. If the Rev. Mr Lapslie had been sustained as a witness, I could have proved by him that I was the first person who lent him Mr Burke's book, and that I lent him Mr Paine's also. You will not forget the manner in which the writings of Mr Paine were introduced in conversation with Wilson, Muir, and Barclay.

With regard to the other books and pamphlets, mentioned in the indictment, there is no proof. William Muir, it is true, has deposed, that I gave him one or two numbers of the Patriot, and some other pamphlets; but William Muir, you know, is only a single witness to this fact, and you know, that by the law of Scotland, the testimony of a single witness claims no weight whatever; but I admit, that I gave him those numbers of the Patriot, and were I not so much overcome by fatigue, I could demonstrate to you that in those numbers there is not a single seditious or unconstitutional sentiment.

The *third* charge is, that of reading the Irish Address in the Convention of Delegates, and of moving that an answer should be returned.—And I maintain that that Address is neither wicked, seditious, nor inflammatory.

You cannot do justice to me, you cannot do justice to the country, if you condemn these different publications upon account of the scandalously mutilated extracts from thence in the libel. You must carry the whole of them along with you. It is upon the whole you must decide: you cannot form any judgment from detached passages.

Gentlemen of the Jury—This is perhaps the last time that I shall address my country. I have explored the tenor of my past life, and no-

thing can tear from me the record of former days. My words and actions have been scrutinized in a manner hitherto unprecedented in this country. I have been accused of the most dreadful crimes : Of attempting to rear the standard of civil war, and to plunge this land in blood, and to cover it with desolation. But so far from exciting the people to riot and sedition, all the witnesses have testified, that I endeavoured to impress upon them the necessity of good order, peace, and good morals. As the evidence for the Crown has advanced, at every step, my innocence has brightened. What then is my crime? Not surely the lending a copy of Mr Paine's Works to a relation, nor the giving to another person a few numbers of an innocent and constitutional publication; but I stand here for having dared to be a strenuous and active advocate for a Reform in Parliament—In the House of the People. For having endeavoured to accomplish, by legal means, a measure which was to diminish the weight of their taxes, and prevent the effusion of their blood. From my most early years, I have devoted myself to the cause of the People. It is a good cause; it shall finally prevail; it shall ultimately triumph. If then you condemn me, which I presume you cannot, say openly and candidly, that it is for my attachment to the cause of the people, and not for the vain and trifling pretexts stated in the libel, while the real motives of my accusation are carefully disguised.

But the time will come when men will be obliged to stand or fall by their own actions; when all the pageantry of human life will cease, and when the hearts of all will be laid open. If you value your reputation; if you value your future peace of mind; if you wish that your consciences may not sting you with remorse; but whisper to you the words of consolation, you will be cautious of your verdict. You will recall to your minds all that has past before you; you will weigh every circumstance; and, finally, return a just and impartial verdict. For my part, I am careless and indifferent to my fate; I can look danger; and I can look death in the face; and whatever your verdict may be, convinced that I have uniformly done what I considered to be my duty, whether I am doomed to mount the scaffold, or condemned to languish in the recesses of a dungeon, I shall carry along with me the consolation of conscious rectitude.

When Mr Muir sat down, an unanimous burst of applause was expressed by the audience; and when the acclamations had ceased, he rose, and stated, that he had taken no notice of his exculpatory evidence, the weight due to which he left for the considerations of the Jury.

Lord Justice Clerk, in summing up the evidence, addressed the jury to the following purport :

This is a very long indictment, Gentlemen ; indeed it is the longest that ever I remember to have seen since I sat in this Court, and a great number of circumstances must be taken into consideration in trying it. I shall do my endeavour to make it as plain as I can for you.

Every indictment, you know, Gentlemen, has a major proposition, a minor proposition, and a conclusion. Now the way to dissect the indictment is this : In the *first* place, You must look at the major part of the proposition, and see if you think that the actions therein stated, " are all and each, or one or other of them, crimes of an heinous nature, dangerous to the public peace, and severely punishable." Having satisfied yourselves on this point, you are, in the *next* place, to examine the minor proposition, which specifies the particular facts charged, and which are here branched out to great length, all coming under the distinct heads of the major propositions. I must here observe, Gentlemen, that a relevant charge may be contained in two or three lines : but the humane practice, which is carried on in this Court, is to state the facts at considerable length, for the benefit of the prisoner ; and the Lord Advocate, you see, has, in the present case, acted upon this humane principle.

Now, Gentlemen, though the facts are so fully narrated, it is by no means absolutely necessary that the whole should be proven, in order to establish the guilt of the pannel ; for you have now to look at the conclusion of the libel, which runs thus : " ALL WHICH, or part thereof, being found proven, by the verdict of an assize, before our Lord Justice General, Lord Justice Clerk, and Lords Commissioners of Justiciary, to be holden by them within the Criminal Court-house of Edinburgh, the said Thomas Muir OUGHT to be punished with the pains of law, to deter others from committing the like crimes in all time coming." From which it is plain, that if any of the facts libelled is proven, it establishes the guilt of the prisoner, the same as if the whole was substantiated.

But, Gentleman of the Jury, it is you that are judges in this cause : You have to determine whether the major proposition contains sedition ; whether the facts charged in the minor proposition amount to that crime ; and *lastly*, whether all or part of these facts are proven. You must weigh the evidence of both sides in your minds, and according to your consciences find the pannel guilty or not guilty.

This then, Gentlemen, is the question for your consideration from the whole proof, which you have seen led, taken in connection ;—Is the pannel guilty of sedition, or is he not ?

Now, before this question can be answered, two things must be attended to that require no proof ; First, that the British Constitution is the best that ever was since the creation of the world, and it is not possible to make it better : For, is not every man secure ? Does not every man reap the fruits of his own industry, and sit safely under his own fig tree ?

The next circumstance is, that there was a spirit of sedition in this country last winter which made every good man very uneasy. And I coincide in opinion with the master of the grammar school of Glasgow, the propriety of whose sentiments I must own, struck me very forcibly, when he said, that he had told Mr Muir, that he thought proposing a Reform was very ill timed. Yet Mr Muir had at that time gone about telling the folk that a Reform was absolutely necessary for preserving their liberty, which, if it had not been for him, they would never have known was in danger. I do not doubt, but this will appear to you, Gentlemen, as well as it does to me, to be sedition.

You will next attend, Gentlemen, to the pannel's conduct at Kirkintilloch, which you must collect chiefly, from the evidence of Johnstone, Weddell, and Freeland; you will remember how he draws a comparison between the French and our happy Constitution, and talks of the difference of the taxes, and how he gives the preference to the French.

The pannel's haranguing such multitudes of ignorant weavers and low mechanics about their grievances—grievances that they never thought of, till he came among them,—might have been attended with the worst consequences to the peace of the nation and the safety of our glorious constitution.

As to circulating Paine's book, the pannel tells you, that it was not condemned then. But What's that to the purpose, Gentlemen: will any man tell me that a book that has such passages in it, as you see in the indictment, can be innocent. It is impossible. It does not need the judgment of a Court of law to make it seditious. It is in itself most seditious, treasonable, and dangerous. The pannel likewise tells you, that the verdict of an English Jury is no way binding on you, and that the laws of England and Scotland are widely different. Gentlemen, to be sure they are different in many cases; but will he or any body tell me, that what's sedition in England is not sedition in Scotland, and what's sedition here, must be sedition there also; and I say it is right it should be so; and in forming your opinion, you should have an eye to the judgements of the English Courts, that condemned this treasonable work. The other publications mentioned in the indictment, are all much of the same stamp; they all have a seditious and treasonable tendency. I must own that I agree in one idea thrown out by the pannel, that the passages should be compared with their context. You will do this when you look them over, but mind you have to recollect this simple proposition: That to make a book seditious, it is not necessary that it should be all sedition together. But, Gentlemen, the fact is clearly proven, that he did circulate some of the books libelled upon; and now you have to draw the consequence yourselves.

He made an attack upon the young woman Anne Fisher: but for my part, Gentlemen, I declare to you, that I never heard a more distinct and accurate evidence in the whole course of my life. She delivered herself in a manner that did her no little honour. I assure you, she shewed great

abilities for one in her situation of life. It appears that there was no grudge between her and the family; on the contrary, when a very proper question was put to her by one of yourselves, she told you, that she had left the family on very good terms. And you see her testimony is well supported by other witnesses, in all the material parts.

The next thing to be taken notice of, is his behaviour in that Convention, as they called it, where he read the Irish Address. Instead of denying the fact, you see he seems to glory in it, and has enlarged upon its merits. But I believe you will be of the same opinion with regard to it as I am, for I cannot help saying, that I think it a most seditious and inflammatory piece of work.

The next thing to be attended to is the outlawry. Running away from justice, that is a mark of guilt. And what could he do in France at that period, pretending to be an ambassador to a foreign country without lawful authority? that was an open act of rebellion, and he pretends to have had influence with those wretches the leading men there. And what kind of folks are they? A set of miscreants. *I never liked the French all my days, but now I hate them.*

He has brought a great number of witnesses to swear to his good behaviour, respect for the constitution, recommending peaceable measures, and petitioning Parliament, but you will judge, how far all that will operate in his favour, when set in opposition to the evidence against him.

Mr Muir might have known, that no attention could be paid to such a rabble* as he harangued. What right had they to representation? He could have told them that the Parliament would never listen to their petition—How could they think of it! A government in every country should be just like a corporation; and in this country, it is made up of the landed interest, which alone has a right to be represented; as for the rabble, who have nothing but personal property, what hold has the nation of them? What security for the payment of their taxes? they may pack up all their property upon their backs and leave the country in the twinkling of an eye, but landed property cannot be removed.

The tendency of the pannel's conduct was plainly, Gentlemen, to promote a spirit of disaffection and revolt; and and if what was demanded, was not given, to take it by force: but I have not the smallest doubt, that you are, like me, convinced of his guilt, and I am sure you will return such a verdict as will do you honour.

The Court retired at two o'clock on Saturday morning, and met again at twelve o'clock of the same day, when the Jury returned the following

* How various and innumerable;

Are those who live upon the RABBLE!

BUTLER.

VERDICT.

Edinburgh, 13th August, 1793.

The above Assize having enclosed, made choice of the said Gilbert Innes to be their Chancellor, and the said John Balfour to be their Clerk; and having considered the criminal libel, raised and pursued at the instance of his Majesty's Advocate, for his Majesty's interest, against Thomas Muir, Pannel, the interlocutor of relevancy, pronounced thereon by the Court, the evidence adduced, in proof of the libel, and the evidence in exculpation; they are all in one voice, finding the pannel, Thomas Muir, *Guilty* of the crimes libelled: In witness thereof their said Chancellor and Clerk have subscribed these presents, consisting of this and the preceding page, in their names and by their appointment, place, and date aforesaid.

(Signed) GILBERT INNES, *Chanc.*
JOHN BALFOUR, *Clerk.*

The verdict being recorded, the Lord Justice Clerk addressed the jury, and said that this trial had been of the greatest importance. He was happy that they had bestowed so much attention upon it, and informed them that the Court highly approved of the verdict they had given. He then desired their Lordships to give their opinions upon this verdict, and what punishment should be inflicted.

Which they did to the following purport:—

Lord Henderland observed, that the alarming situation in which this country was during the course of last winter, gave uneasiness to all thinking men: His Lordship said, that he had now arrived at the most disagreeable part of the duty incumbent upon him, which was to fix the punishment due to the crime, of which the pannel was found guilty. The indictment contained a charge of sedition, exciting a spirit of discontent among the inferior classes of People, and an attack against the *Glorious Constitution* of this country; the Jury, by the verdict which they had returned, and to which the Court could alone have recourse, had found the pannel guilty; and it was their Lordships duty only, now to fix the punishment due to the offence. His Lordship said, that he would not dwell upon the evil consequences of the crimes committed by the prisoner. The melancholy example of a neighbouring country, which would forever stain the page of history, rendered it unnecessary for him to recapitulate the circumstances of the case. In that country, the consequences of such measures, have produced every kind of violence, rapine, and murder. There appeared, he said, to have been in this country, a regular plan of seditious measures. The indecent applause which was given to Mr Muir

last night at the conclusion of his defence, within these walls, unknown in that High Court, and inconsistent with the solemnity which ought to pervade the administration of justice, and which was insulting to the laws and to the dignity of that Court, proved to him, that the spirit of sedition had not as yet subsided. He would not, he said, seek to aggravate the offence committed by the pannel, by the misconduct of others, in order to encrease the punishment. The punishment to be inflicted is arbitrary, of which there is a variety. Banishment, he observed would be improper, as it would only be sending to another country, a man where he might have the opportunity of exciting the same spirit of discontent, and sowing with a plentiful hand sedition; whipping, was too severe, and disgraceful, the more especially to a man who had bore his character and rank in life. And imprisonment he considered would be but a temporary punishment, when the criminal would be again let loose; and so again disturb the happiness of the people. There remain but one punishment in our law, and *it wrung his very heart* to mention it, viz. *Transportation*. It was a duty he considered he owed to his countrymen, to pronounce it, in the situation in which he sat, as the punishment due to his crimes. His Lordship observed, it was extraordinary that a gentleman of his description, of his profession, and of the talents he possessed, should be guilty of a crime deserving such a punishment; but he saw no alternative. For what security could we have against his future operations, but a removal from his country to a place where he could do no further harm. His Lordship was therefore of opinion, that the pannel should be recommitted to prison, there to remain, till a proper opportunity should offer for transporting him, to such place as his Majesty, with the advice of his Privy Council, might appoint, for the space of *fourteen years* from the date of the sentence; and that he should not return within that period, under the pain of death.

Lord Swinton. The crime with which the pannel is by the Jury of his country found guilty, is Sedition. It is a generic crime, and which is defined by our lawyers, to be a commotion of the people without authority, and of exciting others to such commotion, against the public welfare. This crime, he observed, consisted of many gradations, and might have run from a petty mob about wages, even to High Treason. He thought the punishment should be adapted to the crime. The question he said, was, then, what was the degree of the crime the pannel had been guilty of. That was to be discovered, from the libel of which he has been found guilty, by the unanimous verdict of a respectable Jury of his country. It appeared to him to be a crime of the most heinous kind, and there was scarcely a distinction between it and High Treason. As by the dissolution of the social compact it made way for, and so it might be said to include every sort of crime, *murder, robbery, rapine, fire-raising*, in short, every species of wrong, public and private. This, he observed, was no theoretical reasoning; for we had it exemplified before our eyes in the

present state of France, where, under the pretence of asserting liberty, the worst sort of tyranny was established, and all the loyal and moral ties which bind mankind were broken. Nay, shameful to tell, even religion itself was laid aside, and publicly disavowed by the National Convention.

Certain wretched persons, assuming to themselves, most falsely and insidiously, the respectable name of the Friends of the People, and of Reform, although they deserved the *very opposite* denomination, by which means they have misled, and drawn after them, a great number of low and ignorant, though simple and unwary people.

If a punishment adequate to the crime were to be sought for, there could be found no punishment in our law sufficient for the crime in the present case, now that torture is happily abolished. The sole object of punishment among us, is only to deter others from committing the like crimes in time coming. Therefore the punishment should be made equal to the crime. All that is necessary is, that it serve as an example and a terror to others, in time coming, against a repetition of the like offence. In the present case, he thought that *Transportation* was the lightest punishment that could be assigned, and that for the space of fourteen years, under the certification of death, in case of returning before the expiration of that term.

Lord Dunsinman. His Lordship spoke in so low a tone of voice, that we had not an opportunity of following him throughout the whole of his opinion. He however agreed with the rest of their Lordships in the punishment which they said Mr Muir deserved, viz. Transportation for fourteen years, with the usual certification, &c.

Lord Abercromby. His Lordship did not think it necessary to say much as to the enormity of the crime, after what had been already said. By our law it might have amounted to treason; and even as the law now stands, it came very near it.

He observed, that Mr Muir last night, when conducting his defence, had stated, and which was marked, and it had great weight with him, "That the people should be cautious, and by all manner of means to avoid tumults and disorders, for through time, the mass of the people would bring about a Revolution." (Here Mr Muir rose, and said, "I deny it my Lord.") If any thing could add to the improper nature of the pannel's defence, it was his pretended mission to France, and the happiness he expressed in the circle of acquaintance he had there. It is evident, said his Lordship, that his feelings did but too much accord with the feelings of those monsters. His Lordship coincided with the rest of their Lordships, with regard to the punishment, which they had given as their opinion, Mr Muir deserved.

Lord Justice Clerk. His Lordship said, he was considerably affected to see the pannel stand trial for sedition; a man who had got a liberal

education, was member of a respectable society, possessed considerable talents, and had sustained a respectable character. His Lordship considered the very lowest species of this crime as heinous, and that it was aggravated according to the object in view. Here the object was important; for it was creating in the lower classes of people, disloyalty, and dissatisfaction to government, and this amounting to the highest sedition, is bordering upon treason; and a little more would have made the pannel stand trial for his life.

His Lordship agreed in the propriety of the proposed punishment, and he observed that the indecent applause which was given the pannel last night, convinced him, that a spirit of discontent still lurked in the minds of the people, and that it would be dangerous to allow him to remain in this country. His Lordship said, this circumstance had no little weight with him, when considering of the punishment Mr Muir deserved. He never had a doubt but transportation was the proper punishment for such a crime; but he only hesitated whether it should be for life, or for the term of fourteen years. The latter he preferred, and he hoped the Pannel would reflect on his past conduct, and see the impropriety which he had committed, and that if he should be again restored to his country, he might still have an opportunity of showing himself to be a good member of that constitution which he seemed to despise so much.

After his Lordship had delivered his opinion, and during the time the sentence was recording, Mr Muir said,

My Lord Justice Clerk, I have only a few words to say: I shall not animadvert upon the severity or the leniency of my sentence. Were I to be led this moment from the bar to the scaffold, I should feel the same calmness and serenity which I now do. My mind tells me, that I have acted agreeably to my conscience, and that I have engaged in a good, a just, and a glorious cause—a cause which sooner or later must, and will, prevail; and, by a timely Reform, save this country from destruction.

THE
SENTENCE.

The Lord Justice Clerk, and Lords Commissioners of Justiciary, having considered the foregoing verdict, whereby the assize, all in one voice, Find the pannel GUILTY of the crimes libelled: The said Lords, in respect of the said verdict, in terms of an act passed in the 25th year of the reign of his present Majesty, entitled, "An Act for the more effectual transportation of felons and other offenders in that part of Great Britain, called Scotland." *Ordain and Adjudge* that the said THOMAS MUIR to be *Transported beyond Seas*, to such place as his Majesty, with the advice of his Privy Council, shall declare and appoint, and that for the space of *Fourteen years* from this date, with certification to him, if after being so transported, he shall return to, and be found at large, within any part of Great Britain, during the said fourteen Years, without some lawful cause, and be thereby lawfully convicted, he shall suffer death as in cases of felony, without Benefit of Clergy by the law of England: And ordains the said Thomas Muir to be carried back to the Tolbooth of Edinburgh, therein to be detained till he is delivered over for being so transported, for which this shall be to all concerned, a sufficient warrant.

(Signed) ROBERT M^CQUEEN.



A P P E N D I X.

N^o. I.

LIST OF ASSIZE.

- Sir John Clerk of Pennycuick, Baronet
Sir William Dick of Prestonfield, Baronet
Sir John Inglis of Cramond, Baronet
Sir Archibald Hope of Craighall, Baronet
5 Sir James Fowles of Collington, Baronet
Sir Philip Ainslie of Comley-Bank
Charles Watson of Saughton
James Forrest of Comilton
Thomas Craig of Riccarton
10 Captain John Inglis of Auchindinny
John Wauchope of Edmonstone
John Balfour younger of Pilrig
David Johnston of Bavelaw
John Davie of Gavistide
15 Andrew Wauchope of Niddry Marishal
John Trotter of Mortonhall
Gilbert Innes of Stow
John Davidson of Ravelrigg
James Rocheid of Inverleith
20 John Newton of Curriehill
James Calderwood Durham of Polton
Thomas Wright of Greenhill
James Gillespie of Speylaw
Thomas Sivewright of South-house
25 James Kerr of Woodburn
John Alves of Dalkeith, portioner
Patrick Pridie hatter in Edinburgh
Thomas Brown bookfeller there
Andrew Smith perfumer there
30 James Charles hosier there
Alexander Inglis merchant there
William Pattison merchant there
William Couper upholsterer there
Andrew Ramsay flatter there
35 Thomas Duncan bookfeller there

- William Dalrymple merchant there
 Francis Burchan merchant there
 James Mansfield banker there
 Donald Smith banker there
 40 James Dickson bookseller there
 Samuel Paterson merchant there
 George Kinnear banker there
 Andrew Forbes merchant there
 John Horner merchant there
 45 Alexander Wallace banker there.

WM. NAIRNE.
 ALEX. ABERCROMBY.
 JOHN SWINTON.

No. II.

LIST OF WITNESSES FOR THE CROWN.

1. John Brown weaver at Lennoxton, in parish of Campsie, and county of Stirling
2. John Spier weaver at Lennoxton aforesaid.
3. William Robertson excise-officer at Lennoxton aforesaid.
4. Francis Clark callico printer at Lennox Mill, parish and county aforesaid.
5. Alexander Johnston bleacher at Kincaid Printfield, in parish of Campsie aforesaid.
6. Henry Freeland weaver in Kirkintilloch.
7. William Muir weaver in Kirkintilloch.
8. John Scott wright in Kirkintilloch.
9. Robert Weddel weaver in Kirkintilloch.
10. James Baird hosiery in Kirkintilloch.
11. The Rev. Mr William Dunn minister of Kirkintilloch.
12. John Scott weaver in Townhead of Kirkintilloch.
13. William Knox weaver there.
14. James Muir student of divinity residing at Campsie.
15. Anne Fisher servant, or late servant, to Mr John Carlisle, Collector of the Cess in Glasgow.
16. Thomas Wilson barber in Glasgow.
17. William Reid bookseller and stationer in Glasgow.
18. James Brash bookseller and stationer in Glasgow.
19. David Blair manufacturer in Glasgow.
20. John Muir senior, late hat-manufacturer, presently residing in Glasgow.

21. John Barclay residing in the parish of Calder, in the county of Lanark, and one of the elders of said parish.
22. The Rev. Mr James Lapslie minister of Campsie.
23. James Campbell writer to the Signet.
24. James Denholm writer in Edinburgh.
25. Hugh Bell brewer in Edinburgh.
26. John Buchanan baker in Canongate of Edinburgh.
27. Mr John Morthland advocate.
28. William Skirving of Strathruddie, residing in Edinburgh.
29. Lieutenant Colonel William Dalrymple of Fordell.
30. Mr Robert Forsyth advocate.
31. Richard Fowler student of medicine, residing, or lately residing in Edinburgh.
32. John Pringle, Esq. Sheriff-depute of the county of Edinburgh.
33. William Scott Solicitor at law, and Procurator-fiscal of the said county of Edinburgh.
34. Joseph Mack writer in Edinburgh.
35. Sir James Colquhoun of Luss, Baronet, Sheriff-depute of the shire of Dunbarton.
36. William Honyman, Esq. Sheriff-depute of the shire of Lanark.
37. Harry Davidson, Esq. Sheriff-substitute of the county of Edinburgh.
38. George Williamson messenger in Edinburgh.
39. Mr James Carmichael Commander of the Justice hulk, in the service of the Board of Customs.
40. William Ross, Esq. one of the Justices of Peace for the county of Wigton.

No. III.

LIST OF EXCULPATORY WITNESSES.

1. William Riddle baker in Glasgow.
2. John Hamilton manufacturer, St Andrew's Square Glasgow.
3. David Dale, junior, manufacturer there.
4. Basil Ronald of Broomlone, glover in Glasgow.
5. Alexander Park writer in Glasgow.
6. George Waddel manufacturer in Glasgow.
7. George Russel merchant in Gallowgate Glasgow.
8. John Brock manufacturer in Glasgow.
9. John Wilson shoemaker in Gorbals of Glasgow.
10. John Lockhart mason there.
11. Walter Hart, heritor in Tradestown, Glasgow.
12. Hugh Moodie spirit dealer in Glasgow.
13. James Cooper shoemaker Glasgow.

14. John Gray manufacturer Glasgow.
15. Daniel M^cArthur, one of the Masters of the grammar-school, Glasgow.
16. James Richardson senior, merchant Glasgow.
17. William Clydesdale cabinetmaker there.
18. John Tennant brewer there.
19. George Bell junior, manufacturer there.
20. George Stayley manufacturer in Balmanno Street Glasgow.
21. Robert M^cKinlay print-cutter, in Mr Fulton's employment, near Paisley.
22. William Orr junior, manufacturer in Paisley.
23. James Craig manufacturer Water Brae Paisley.
24. James Genmel merchant Storrle Street Paisley.
25. William Muir Fisherrow Paisley.
26. Hamilton Ballantyne Storrle Street Paisley.
27. James Muir weaver Shuttle Street Paisley.
28. John Buchanan, foreman at Kincaid printfield, in the parish of Campsie.
29. Robert Henrie printer there.
30. Patrick Horn printer there.
31. Smollet M^cLintock block-cutter there.
32. William Henry of Borrowstown parish Baldernock.
33. James M^cGibbon printer at Kincaid printfield.
34. John Freeland distiller in Kirkintulloch.
35. Andrew Rothead younger, of Duntiblae Mill, parish of Kirkintulloch.
36. Robert Beak surgeon in Kirkintulloch.
37. John Edmond print-cutter Kincaid printfield.
38. Robert Millar weaver in Cambuslang.
39. The Rev Mr William Dunn minister of Kirkintulloch.
40. David Wallace late servant to James Muir of Huntershall, now to James Stark of Adamslie.
41. Robert Scott weaver in Kirkintulloch.
42. Archibald Binnie type-founder Edinburgh.
43. Charles Salter brewer in Edinburgh.
44. Peter Wood teacher in Portsburgh.
45. John Buchanan baker in Canongate.
46. — Bell tobacconist Canongate.
47. William Skirving Edinburgh.
48. Maurice Thomson starchmaker there.
49. Andrew Willon brewer in Portsburgh.
50. John Smith weaver Lothian Road.
51. Peter Hardie brewer in Portsburgh.
52. Colonel William Dalrymple of Fordell.
53. William Johnston, Esq. Edinburgh.
54. The Right Hon. Lord Daer.
55. — Newton residing at St Patrick's Square Edinburgh.

No. IV.

DECLARATION OF MR MUIR BEFORE THE SHERIFF.

At Edinburgh, the 2d of January 1793.

THE which day appeared, in presence of John Pringle, Esq. Advocate, his Majesty's Sheriff depute of the shire of Edinburgh, Thomas Muir, Esq. Advocate; who being examined by the Sheriff, and being interrogated, Whether or not the declarant, in the month of November last, was in the towns of Kirkintilloch, Lennoxton of Campsie, or Milltown of Campsie? declares, That he declines answering any questions in this place, as he considers a declaration of this kind, obtained in these circumstances, to be utterly inconsistent with the constitutional rights of a British subject: That he has solemnly maintained this principle in pleading for others in a criminal court; and that, when it comes to be applied to his own particular case, as at present, he will not deviate from it. Declares, That he neither composed, published, nor circulated books or pamphlets, inflammatory or seditious: That in public and private, he always advised, and earnestly intreated those who might be engaged in the prosecution of a Constitutional Reform, in the representation of the people in the House of Commons, to adopt measures mild but firm, moderate but constitutional; and that he has always inculcated upon all whom he may have addressed upon any occasion, that there was no other mode of accomplishing a Constitutional Reform in the representation of the people in the House of Commons, but by the mode of respectful and Constitutional Petitions to that House, for that purpose: and that he did not doubt but the wisdom of that House would listen to the voice of the people, when thus constitutionally presented: And being shown three numbers of a paper, intituled, *The Patriot*, the first dated, "Tuesday, April 17. 1792;" the second dated "Tuesday, June 12.;" and the third, "Tuesday, July 10." without mention of the year; and being interrogated, if he gave these pamphlets to William Muir, weaver in Kirkintilloch, and eight other numbers of the same publication? declares, That he adheres to the principles which he has mentioned in the preceding part of this declaration, and declines answering the question. And being shown a book, intituled, "*The Works of Thomas Paine, Esq.*" and interrogated, If he did not give said book to Henry Freeland, weaver in Kirkintilloch, and first Preses of the Reform Society there? declares, That he adheres to his principle, and declines answering the question. And being shewn a pamphlet, intituled, "*A Declaration of Rights,*" and an "*Address to the People;*" and interrogated, Whether or not he gave the aforesaid pamphlet

to the said Henry Freeland? declares, That he declines answering, upon the aforesaid principle. And being interrogated, Whether or not he gave to the aforesaid Henry Freeland, a book, intituled, "Flower on the French Constitution?" declares, That he declines answering the question, upon the aforesaid principle; and all the before mentioned books are marked as relative hereto, of this date. And being interrogated, Whether or not the declarant was a member of the Convention which met at Edinburgh, in the month of December last, stiling themselves the Convention of the Associated Friends of the People, and produced to that meeting a paper, intituled, "Address from the Society of United Irishmen in Dublin, to the Delegates for Reform in Scotland, 23d November 1792," and moved, that the thanks of the meeting should be returned to that Society for said Address? declares and declines answering the question, upon the aforesaid principle. All this he declares to be truth.

(Signed) THOMAS MUIR.
JOHN PRINGLE.

No. V.

COPY SENTENCE OF FUGITATION.

February 25. 1793.

THE which day the diet of the Criminal Letters, raised and carried on at the instance of Robert Dundas, Esq. of Arncliffe, his Majesty's Advocate, for his Majesty's interest, against Mr Thomas Muir, younger, of Huntershill, Advocate, being called, and the said Mr Thomas Muir having been oftentimes called in Court, and three times at the door of the Court House, he failed to appear.

WHEREUPON his Majesty's Advocate moved, That sentence of outlawry and fugitation might be awarded against him: and as he understood that bail had been given for his appearance, when apprehended by the Sheriff of the county of Edinburgh, he craved that the penalty in the bond might be forfeited and recovered.

"The Lord Justice Clerk, and Lords Commissioners of Justiciary, decern and adjudge the said Mr Thomas Muir to be an outlaw and fugitive from his Majesty's laws, and ordain him to be put to his Highness's horn, and all his moveable goods and gear to be escheat and inbrought to his Majesty's use, for his contempt and disobedience in not appearing this day and place in the hour of cause, to have underlyen the law for the crimes of sedition and others specified in the said Criminal Letters raised against him

thereanent, as he was lawfully cited to that effect, and oftentimes called in Court, and three times at the door of the Court House, and failing to appear as said is. And ordain the bond of caution granted for the appearance of the said Mr Thomas Muir in the Sheriff Court books of Edinburgh, to be forfeited, and the penalty therein contained to be recovered by the Clerk of this Court, to be disposed of as the Court shall direct.

(Signed) ROBERT M'QUEEN, J. P. D."

No. VI.

COPY DECLARATION OF GEORGE WILLIAMSON.

At Edinburgh, 10th August 1793.

GEORGE WILLIAMSON, messenger in Edinburgh, declares, That on Friday the 2d of August instant, he received a warrant of the Court of Justiciary, for bringing the person of Mr Thomas Muir, younger of Huntershill, from the prison of Stranraer, to the prison of Edinburgh. In consequence of which he went to Stranraer, and arrived there in the morning of Sunday the 4th instant, when he received the person of the said Thomas Muir; and he also received from Mr Kerr, one of the Magistrates of Stranraer, a parcel, sealed, and intituled, " Papers belonging and found " on Mr Thomas Muir W. R. J. P." And which packet was sealed with the seal of the burgh of Stranraer, and also with two seals, which he now bears Mr Muir declare to be his; and which parcel he now exhibits, with the seals entire.

And the foresaid parcel having been opened, in presence of the said Sheriff-substitute, Hugh Warrender, Esq. Mr William Scott, Procurator-fiscal of the shire of Edinburgh, George Williamson, messenger in Edinburgh, and Joseph Mack, writer, Sheriff Clerk's Office; and also in presence of Mr Thomas Muir, who admitted, that this was the parcel containing the articles belonging to him, which were sealed up by the Magistrates of Stranraer, and to which he then affixed his seals, and which he observed to be entire, previous to its being opened in his presence: The same was found to contain:—

1. Ten copies of a pamphlet, intituled, " Proceedings of the Society of United Irishmen of Dublin. Dublin, printed by order of the Society, 1793."
2. A printed copy of the trial, at large, of Samuel Bushby, and Judith, his wife.

3. Twenty-nine copies of a printed paper, intituled, "United Irishmen of Dublin 7th June 1793," being an Address from the Catholic Committee, to their Catholic Countrymen.
4. Five copies of another printed paper, being "Resolutions of the Society of United Irishmen, held on the 15th of July."
5. Twenty-two copies of a paper, purporting to be an abstract of the trial of Francis Graham, Esq. one of his Majesty's Justices of Peace for the county of Dublin, on the 9th July 1793, before the Hon. Baron Power.
6. A printed copy of an act to prevent tumultuous risings, &c. of the 27th Geo. III. printed Dublin 1787.
7. Eighty-four copies of a printed paper, dated, "Rath Coffey, 1st July 1793;" containing a quotation from Milton on the liberty of unlicensed printing.
8. Letter, signed J. Muir, dated Glasgow, 21st July 1793, beginning with, Dear Sir, but having no address.
9. Letter, signed Thomas Muir, and addressed to Captain George Towers, of the American ship the Hope, from Baltimore, care of Mess. Cunningham & Co. Merchants, Belfast, and dated Dublin, 27th July 1793.
10. A Red Turkey pocket-book, containing:
 1. A passport from the Department of Paris, in favours of citizen Thomas Muir, dated 23d April 1793, having upon the back an indorsement, dated 5th May 1793.
 2. Receipt by A. M'Dougal to Mr Muir, for 900 livres, for his passage in the cabin of the ship from Havre de Grace, to the Port of New-York, dated Havre de Grace, 16th May 1793.
 3. Certificate that Thomas Muir has been duly elected one of the members of the Society of United Irishmen of Dublin, dated 11th January 1793, signed Archibald Hamilton Rowan, Secretary.
 4. Sealed letter, directed, "The Rev. Thomas Fische Palmer, Edinburgh." The seal a Cap of Liberty, over a Fleur de Lis, motto *Ca Ira*.
 5. Ditto, directed "Norman M'Leod, Esq. M. P. Scotland."
 6. Ditto, directed "to Mrs M'Cormick, at Dr M'Cormick's, St Andrew's Scotland."
 7. Another passport, of the Department of Calais, in favour of citizen Thomas Muir, dated 15th January 1793.
 8. Passport of the Commissary of the Section of the Thuilleries, in favour of citizen Thomas Muir, dated 4th May 1793.
 9. Declaration of Residence, dated 3d April 1793, in favour of Thomas Muir.

10. Letter, signed D. Stewart; dated No. 52. Frith Street, Soho, London, February 1.
11. (Addressed) John Hurford Stone, Esq. or Thomas Muir, Esq. Advocate, No. 99. Palais Royal, Paris.
12. Letter, signed James Campbell, dated No. 10. St Andrew's Square, Edinburgh, 26th January 1793: Addressed to Thomas Muir, Esq. younger of Huntershill.
13. Letter, signed D. Stewart, dated, 52. Frith Street, January 30.: Addressed, Thomas Muir, Esq. Advocate, to the care of John Hurford Stone, Esq. Paris.
14. A Letter, signed W. Skirving; without date, addressed to Thomas Muir, Esq. younger of Huntershill.

No. VI.

COPY CERTIFICATE.

SOCIETY of United Irishmen of Dublin :—I hereby certificate, That Thomas Muir has been duly elected; and having taken the Test, provided in the Constitution, has been admitted a member of this Society.

(Signed)

ARCH. HAMILTON ROWAN, Sec.

No. 205.

Jan. 11. 1793.

On the margin of the original, is the figure of a harp, with this motto, "*It is now strung, and shall be heard.*"

No. VH.

RECEIPT OF CAPT. M'DOUGALL, FOR MR MUIR'S
PASSAGE FROM HAVRE DE GRACE TO NEW-
YORK.

RECEIVED from Mr Muir the sum of Nine hundred livres, for his passage in the cabin of the ship from Havre de Grace to the port of New-York, in finding him with all stores.

A. M'DOUGALL.

Havre de Grace,

16th May 1793.

No. VIII.

PASSPORT AT PARIS.

REPUBLIQUE FRANCAISE—Département de Paris.

PASSEPORT delivre en execution de la Loi du 7 Decembre 1792, l'an premier de la Republique Francaise.

Vu l'avis du Conseil general de la Commune de Paris, laissez passer le citoyen Thomas Muir, allant a Philadelphie, domicilié a Paris, municipale de Paris, departement de Paris, natif de Ecosse, homme de loi, age de vingt huit ans, taille de 5 pieds 3 pouces, cheveux et sourcils chatain, yeux bleux, nez aquilin, bouche moyenne, menton rond, front haut, visage long et plein,—pretez-lui aide et assistance, au besoin.

Fait en directoire, le 23 Avril mil sept cent quatre vingt treize ; l'an deuxieme de la Republique Francaise ; et a ledit Citoyen Muir signe avec nous administrateurs composant le Directoire du Departement de Paris. Approbatif

THOMAS MUIR.

DUBOIS.

E. J. B. MAILLARD.

LEBLAUIF.

NICOLEAU, Presid.

Vu par nous Ministres des Affaires Etrangères, A Paris, le 29 Avril l'an 2^{me} de la Republique.

LE BRUN.

— MAILLE, GARAT, Gr.

No. IX.

PASSPORT AT CALAIS.

REPUBLIQUE FRANCAISE,—Au Nom de la Loi.

Département du Pas-de-Calais, District, Municipalite de Calais.

Laissez passer le Citoyen Thomas Muir, Ecossois, domicilié a Edinburgh, municipale de — district de — département de — age de 28 ans, taille de 5 pieds 3 pouces, cheveux, sourcils, chatain, yeux bleus, nez aquilin, bouche moyenne, menton rond, front rond, visage long et plein ; et pretez lui aide et assistance en cas de besoin, allant en France, et due a l'étranger.

Delivre en la Maison Commune de Calais, le 15 Janvier 1793.
l'an premier de la Republique Francaise.

THOMAS MUIR.

MAUSSY, Officier Municipal.

CELLIERBOUILLE, Secretaire et Greffier qui a signe avec nous le present.

No. X.

LETTER FROM MR MUIR TO MR CAMPBELL, WRITER TO THE SIGNET, EDINBURGH.

DEAR SIR,

Paris, Jan. 23. 1793.

I WROTE you from Calais and from Paris, and impatiently expect your answer. Write me fully about my private affairs, but about nothing else. Whenever you and my friends judge it expedient or proper, I will immediately return: but I cannot leave Paris without regret. I am honoured by the notice and friendship of an amiable and distinguished circle; and to a friend of humanity, it affords much consolation, to find according feelings in a foreign land. Present my best wishes to all our friends,—to Mess. Johnston, Skirving, Moffat, Buchanan, &c. Intreat you to find means to send over the numbers of the two Edinburgh Newspapers. The London papers come here but irregularly. One wishes to know what is going on at home; but tell my friends, it is only through the channel of Newspapers I can receive that intelligence. Write me under the following cover, *Au Citoyen de Cou-dile, Hotel de Toulon, No. I. rue des Fosses du Temple*. Communicate this address to all my friends. Inform them no letter can reach me, if not part of the postage is paid in Edinburgh. I am,

Dear Sir,

Yours, &c.

James Campbell, Esq.
Writer to the Signet,
Edinburgh, Scotland.

THOMAS MUIR.

P. S. My compliments to Mr Dick; intreat him to take the charge of my things.

No. XI.

SECOND LETTER FROM MR MUIR TO MR CAMPBELL.

DEAR SIR,

I HAVE written you frequently, whenever you think it proper I shall return. At the same time, honoured as I am by the civi-

lities and attention of many amiable characters; it would be reluctance I could quit Paris for a month or two. About my private business write me, but not a word on any other subject. Remember me to Johnstone, Skirving, Moffat, &c. Tell them no distance of space shall obliterate my recollection of them. Write me punctually, I intreat you. Cause them likewise write me. Omit no post. My address is under cover, *Au Citoyen Coudile, Hotel de Toulon, No. 1. rue des Fosses-de Temple.* I am,

Yours, &c.

THOMAS MUIR.

PARIS, Jan. 27. 1793.

James Campbell, Esq. Writer to the Signet,
Edinburgh, Scotland.

No. XII.

LETTER FROM MR M'INTOSH TO MR CAMPBELL.

SIR,

I HAVE to acknowledge the receipt of your letter respecting the business of Mr Muir. I did not lose a moment in finding a safe and speedy conveyance to him at Paris for your letters, and those of his other friends in Scotland, sent to my care. I delayed from day in the perpetual expectation of seeing Mr Muir here on his return. It became now, however, necessary for me to inform you, that he is not yet come; and considering the extreme anxiety which he must have felt to return as soon as possible, I think it very probable that this delay ought to be ascribed to the embargo laid on the vessels in the ports of France, which may perhaps have rendered it impossible for him, though even at Calais, to make his passage to England. I think this probability at least sufficiently great to be pleaded for a delay of his trial, and it is to enable you and his friends to make any use of it that you may think fit, that I have now thought it necessary to communicate this state of facts to you. I am,

Sir,

St Charlotte Street, Portland Place,

Feb. 7. 1793.

Yours, &c.

JAMES M'INTOSH.

No. XIII.

LETTER FROM J. MUIR, TO CAPT. GEO. TOWERS.

DEAR SIR,

Glasgow, July 21. 1793.

I AM at a very great loss how to answer your letter, as it's not understood by me; if it's the friend that I have, if it's he, I

would be overjoyed to see his hand-writing, and to know what has become of him these three months. I thought he had been at Philadelphia ere now, where letters are forwarded for him; and if you are to stay any time at Belfast be so kind as write in course; and I will come over and see you and him. You can write the time you mean to stay. Mr John Richardson, a son of Deacon James Richardson, I saw him this week at Greencock, where he is to sail in the *Almy* of New York, directly, who has two packets of letters for him; and there is many letters wrote for him to the first people in America. And once he were there, he'll get letters to General Washington; and I hope, dear Sir, you'll shew him every civility in your power, which I hope some day gratefully to thank you for it. There is a trunk also in the *Almy* for him, which Mr Richardson will deliver into his own hand. Only I sincerely wish you a safe, pleasant, and successful voyage, and a happy meeting with your friends. And I remain, dear Sir, your most humble servant,

J. MUIR.

If it's the person I mean, a cousin of his, William Muir, formerly of Leith, is lying at Philadelphia. His ship is an American bottom. The loss of this young man has been a dreadful affliction to us. Please give our friend this letter. I honoured his draft in favours of Mr Masey. He'll get his letters at the Post Office Philadelphia.

I hope in a year or two he can return, if he doth not love America; and be so good as cause him write me one line in your letter. You can direct it; and if he does not chuse to sign it, you can put to your initials.

(The Address tore off.)

No. XIV.

LETTER FROM T. MUIR TO CAPT. GEO. TOWERS.

DEAR SIR,

Dublin, July 27. 1793.

This day I received yours; and will be down upon Tuesday evening. I have taken my place in the coach for to-morrow. I am happy to hear my friends are well. I will write them from Belfast. Of this you can give them information. I am, dear Sir, your respectful friend,

Capt. Geo. Towers, of the American
ship, the *Hope*, from Baltimore.—
Care of Mess. Cunningham & Co.
merchants Belfast.

THOMAS MUIR.

No. XV.

LETTER TO THE FRIENDS OF THE PEOPLE.

[The following Letter was published in the *Edinburgh Gazetteer* of March 11, 1793.]

Paris, February 13. 1793.

Upon the evening of the 8th of this month, I received letters from my father, and from my agent, Mr Campbell, informing me that an indictment was preferred against me, that my trial was fixed for Monday the 11th instant; the distance, and the shortness of the time, could not permit me to reach Edinburgh by that day. War is declared between England and France, and the formalities requisite to be gone through before I could procure my passport, would at least have consumed three days. I will return to Scotland without delay.—To shrink from danger would be unbecoming my own character, and your confidence; I dare challenge the most minute investigation of my public and private conduct.—Armed with innocence, I appeal to Justice; and I disdain to supplicate favours. I have hastened to give you an account of of my intention; and I am happy that a private gentleman, who leaves Paris to-morrow, affords me an opportunity for the communication.

THOMAS MUIR.

(No. XVI.)

LETTER FROM W. SKIRVING TO D. STEWART, ESQ. No. 52. FRITH STREET, SOHO, LONDON, SECRETARY TO THE SOCIETY OF THE FRIENDS OF THE PEOPLE,

SIR,

Edinburgh, Sept. 2. 1793.

I ought to have wrote you on Saturday, to give your Society the means of contradicting the aspersion, which you will see by the accounts of Mr Muir's trial, has been thrown upon them. I have not been able to command a settled thought since the alarming issue of that astonishing trial. I never had a higher opinion of any person's integrity, uprightness, and philanthropy; nor is it diminished, but increased. The feelings which I must therefore have had, since that event, will plead my excuse with men of feeling.

In the evidence which I was called on to give, I stated the reason for his going to London, and that I had received a letter from Mr Muir, when at London, explaining the cause of his proceeding

to Paris; which letter I was very sorry that I could not produce, though I had preserved it carefully. Being desired to state, if I could recollect, the reason which Mr. Muir assigned in that letter for his journey to Paris, I said, that it was the opinion of friends, that if Mr. Muir would go to Paris, he might have great influence with many to mitigate the sentence of the French King. These friends were taken for your Society; and much freedom was used, to reprobate both the Society of the Friends of the People in London, for presuming to send a missionary into another country, and Mr. Muir, for accepting such commission. But I declare, upon my honour, that the thought of his being sent by the Society of the Friends of the People in London, never came into my mind: And if I expressed myself so, which it is impossible I could do, I expressed a falsehood; and which I am bound, in justice to the Society, in this manner to contradict.

Mr. Muir is behaving with astonishing malignity. I am, Sir, your obedient humble servant,

W. SKIRVING.

No. XVII.

ADDRESS TO THE PUBLIC.

IN the different accounts which have been published of Mr. Muir's trial mention is made of my having been committed to prison for perjury, or an attempt to conceal the truth. These accounts, in so far as they regard me, being defective, I think it incumbent upon me, in justice to myself and my character, to present the public with a candid statement of the whole matter.

Being called to the bar of the Court, and having taken the oath to tell the whole truth, and nothing but the truth, I was interrogated, "Has any person instructed you what you should say?" I answered, None; but mentioned that several persons had desired me to tell the truth. I was then asked who had done so? My answer was, that I did not recollect; but that no person had given me any particular instructions, what I alluded to having been only the general observation of several persons with whom I had spoken on the subject. I was then questioned when I had been cited as a witness; upon which I produced my summons, bearing date the 26th of August. I was again interrogated, if it was after the citation that I had the conversations referred to, and with whom I held these? To which I replied, That it was both before and after citation; but, as it was only a kind of general instruction, I could not recollect any particular person.

I was then ordered to withdraw; and, on being again called into Court, was ordered to prison for three weeks.

This sentence not a little surprised me, as I was totally at a loss to guess the cause, not having been conscious of any wrong. Indeed the whole error (if it may be so called) was the effect of confusion and mistake, which were natural enough, considering my utter ignorance of law proceedings, and that I never before had been examined as a witness in a Court of Justice.

I do not mean to reflect on the Court, but to justify myself from the charge of prevarication, or of concealing the truth, which I had no idea of committing. On the contrary, it appears to me that I was to blame only for an over-anxiety to tell the whole truth in terms of my oath; for had I answered the first question in the negative, (which I was entitled to do, as no person had put words in my mouth) I would not have had the mortification of being imprisoned.

Conscious of the purity of my intentions, I submit my case to the public; and, leaving it with them to judge with candour, I have only further to observe, that I grieve not so much on account of my confinement; of the injury it may do me in business, or my reputation, as I am sorry that, from my being rejected, Mr Muir may be the greater sufferer of the two, as he was prevented from having the benefit of my evidence, which would have tended highly to his exculpation of the charges against him.

JOHN RUSSELL.

Edinburgh Tolbooth, }

Sept. 3. 1793. }



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